

UNTIL
FREEDOM COMES:
A COMPREHENSIVE
BAILOUT TOOLKIT

PRESENTED BY

NATIONAL
BAIL OUT



“
**MONEY KEPT
THEM IN,**

BLACK L  **VE
GOT THEM OUT.**

**- PAT HUSSAIN
CO-FOUNDER OF SONG**

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NATIONAL BAIL OUT COLLECTIVE ADVISORY COMMITTEE:



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THE TOOLKIT:



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EVERYDAY AN AVERAGE OF 700,000 PEOPLE ARE CONDEMNED TO LOCAL JAILS AND SEPARATED FROM THEIR FAMILIES.

OUR VERY SURVIVAL AND THE SURVIVAL OF FUTURE GENERATIONS DEPENDS ON OUR WILLINGNESS TO TAKE COLLECTIVE RISKS, BAILING OUT BLACK PEOPLE IS NOT A DIRECT SERVICE, IT'S AN INVITATION INTO SOMETHING BIGGER THAN OURSELVES.

WE ARE OUT TO CHANGE POLICY, HEARTS AND MINDS, DEEPEN OUR RELATIONSHIPS WITH OUR COMMUNITIES, BUILD NEW SYSTEMS AND INSTITUTIONS AND MOVE TOWARDS ABOLITION AND LIBERATION.

”

- MARY HOOKS, CO-DIRECTOR OF SONG

INTRODUCTION



The National Bail Out Collective, a formation of Black organizers committed to building a community-based movement to end pretrial detention, created this toolkit as a resource for other groups interested in using bail outs as a tactic. The collective, which consists of groups in over a dozen states, has bailed out over 200 people since we launched in May 2017 with our Black Mama's Bail Outs.

This toolkit provides an overview of the bailout process; answers to frequently asked questions about bail and bail reform; a step by step guide on how to develop a bail out and supportive services plan; communications and fundraising tips; reflections on what happens after you post bail; and resources for those interested in leveraging their bail outs to advocate for the end of money bail. The toolkit can be used as a guide as groups embark on the considerable planning and feasibility work necessary to conduct a bail out in their city.

We work in Black communities, often focusing on Black women (cis and trans), because although our communities are disproportionately impacted we are often excluded from conversations about the solutions. As a result the language throughout this toolkit is centered on Black liberation. This is because we believe Black liberation is a prerequisite to the liberation of all people. We recognize that many people who will use this toolkit will not be Black and may decide to expand their bail outs beyond Black communities. We excitedly invite people from every community to learn from our work and disrupt this system that harms us all. We encourage you to tailor the language where necessary.

Our bail outs are a key component of our broader strategy to build the power of local organizations so they can end the use of money bail and start to experiment with community based support systems, which will replace cages. Similarly, we hope that you will approach your bail outs as a tactic, rather than the goal, and will leverage them to end money bail and the underlying systems that keep so many in cages. We hope that this toolkit will serve as a useful guide as you begin your bail out journey.

If you have any questions about the toolkit or are interested in coordinating your local bail outs with upcoming national bail outs (including Mama's Day 2018) please email us at nationalblackbailout@gmail.com.



NATIONAL BAIL OUT

WHAT WE'VE DONE SO FAR.

Until we abolish bail and mass incarceration, we will free ourselves.

Everyday an average of **700,000** people are condemned to local jails and separated from their families. Here's how we are making a difference:

- \$178,000** to help meet the needs of those bailed out
- 210** people we've bailed out from May-September
- \$979,889** raised from 14,747 individual people
- \$124,000** to power local organizing
- \$622,123.85** Total national bail we've paid
- \$99,000** spent on organizing stipends
- \$167,704** spent on supportive services ranging from emergency transportation to long term housing with all of the bail outs to support around 150 people
- 20** partner organizations



MONEY KEPT THEM IN. BLACK LOVE GOT THEM OUT

— Pat Hussain

Cofounder of Southerners On New Ground



NATIONAL BAIL OUT BACKGROUND

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“THE NATIONAL BAIL OUT COLLECTIVE IS A FORMATION OF BLACK ORGANIZERS AND LAWYERS, WHO ARE MAKING A NECESSARY INTERVENTION TO ENSURE THAT ANY EFFORT TO REFORM BAIL BENEFITS & IS LED BY OUR PEOPLE.”

**- MARBRE CARYN
STAHLY-BUTTS
CO-DIRECTOR OF LAW
FOR BLACK LIVES**

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In January of 2017, Black organizers from across the country came together to strategize about how to call attention to the crisis of pretrial detention and collectively intervene in the current system, which disproportionately impacts Black communities. Together, we also began to envision how bail might be an opening for imagining and investing in new systems and supports that can aid our people when they are in crisis and do not involve cages, criminalization, or profiteering. It was during this convening that a collective of nearly two dozen groups decided to try something radically new. They decided to bail out as many Black mamas and caregivers on Mother’s Day as we could. The original action, proposed by Mary Hooks of Southerners on New Ground, was rooted in the history of Black Liberation, where our enslaved Black ancestors used their collective resources to purchase each other’s freedom. Building on the work of those that came before, we decided that until we abolish money bail and mass incarceration, we would find ways to free ourselves.

The Black Mama’s Bail Out was the first action by what has become the National Bail Out Collective (NBO). NBO is a formation of Black organizers who are committed to building a community based movement to end pretrial detention and ultimately mass incarceration. Since we began last May, the National Bail Out collective has created the popular education resource Transformative Bail Curriculum,

NATIONAL BAIL OUT BACKGROUND

conducted community trainings throughout the country, and bailed out over 200 people. Following Mother's Day, the collective continued organizing bail outs in celebration of Father's Day, Juneteenth, Pride, and Black August. In addition to bailing out hundreds of people, organizers began to experiment with systems of support to try and provide those we bailed out with the supportive structures and services they need to thrive. We were able to provide services to a majority of the people we bailed out, ranging from emergency transportation to long term housing. The experience of bailing out and supporting our people has taught us about ourselves, our organizations, and the policies and systems that impact our communities.

The bail outs are part of a three-pronged strategy focused on public education, direct action/community mobilization, and strategic policy interventions. Key to our strategy is building the power of local organizations through base building; raising the awareness in our communities through political education; and developing policy interventions that ensure reforms to money bail honor the dignity of our people and do not cause additional harm.

We believe that our communities are the experts when it comes to bail reform and that they are best equipped to name the problems and mold the solutions around pretrial detention. The bail outs have allowed us to engage, build community, and begin to imagine a different, humane alternative to this current system. We insist that the fight to end money bail must be led by those organizing alongside communities

most impacted by these systems, not inside actors or corporate interests. Our vision is to ensure Black communities and our experiences are central stakeholders moving forward. We also believe in solutions that address the root causes of the issues our communities face and treat the symptoms with resources as opposed to cages. We believe reform must include not only de-incarceration and divestment but also investment in supportive, community-based infrastructure.

The National Bail Out Collective is an effort to give Black people their freedom and to begin to build alternative systems to support our people, as we end money bail and de-incarcerate. Towards actualizing this vision the bailout work is a part of a larger strategy that includes data collection, research, policy advocacy, organizing, and system building. The National Bail Out Collective exists within the Black liberation tradition, particularly its commitment to self-determination and experimentation. We also exist within a harm mitigation model that tries to ensure we can interrupt some of the violence against our people as we scheme and strategize about how to keep our people free. As part of this model, we are in relationship with a community of over thirty-five community bail funds and bail out formations that take a harm mitigation approach and will continue to do the everyday work of bail paying, until money bail and pretrial detention no longer exist.

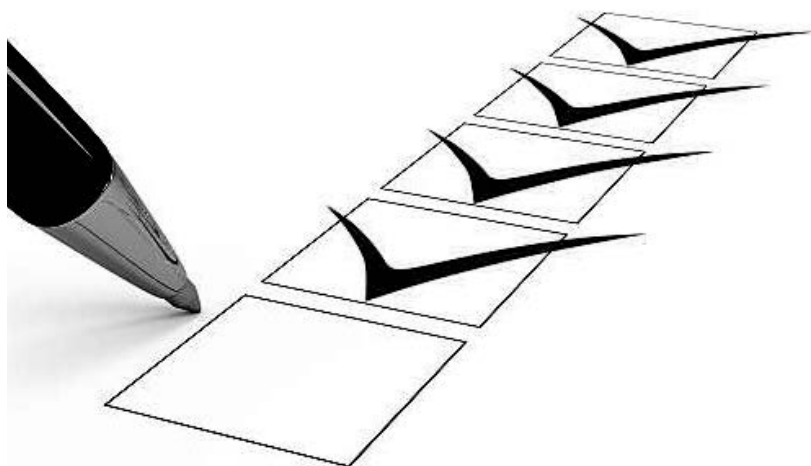
We invite you to join us as we try to get free and build something that serves our communities and our people.

**BLACK PEOPLE
ARE OVER TWO
TIMES MORE
LIKELY TO BE
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ONCE ARRESTED
ARE TWICE AS
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CAGED BEFORE
TRIAL.**

OVERVIEW AND CHECKLIST

There is no one single way to do a bail out action. Doing a bail out will look different in every location as bail laws and systems vary widely. How a bail out will interact and be part of the movement to end money bail and pretrial detention will also be different depending on where you are organizing and what else is happening on the ground.

This overview and checklist will give you a sense of the basic steps that we recommend based on the experiences of organizers across the country who have recently done bail outs or started community bail funds. The timeline for doing a bail out will be different depending on your location, the context, and what your resources and capacity are. Preparing for a bail out could take a few weeks or a few months—the following checklists should help you determine what your timeline will look like.



The checklist is meant to get you started for more details check out the later sections of the toolkit

GETTING STARTED

There will be a lot of technical steps to work through but starting with a grounding that helps articulate your goals and vision will help to inform that process.



CREATE A VISION AND GOALS



Getting clear about the bail out action's goals and how it will connect to work to end money bail and pretrial detention will help with the teamwork and collaboration you'll be building. This can include goals about who to bail out; specific local issues you may want to focus on; how to center Black leadership within collaborations; and how to deepen grassroots capacity.



MAP OUT IF THERE IS ORGANIZING AROUND BAIL HAPPENING



In many locations across the country there is a shifting landscape around bail and pretrial detention. Before you develop your bail out plan, it is important to map out if there are local changes underway that might influence the type of intervention you plan. Most importantly, there may be individuals and organizations working on ending money bail and pretrial detention who could be allies, collaborators, and guides about the process.



MAP OUT SUPPORTIVE SERVICE ORGANIZATIONS AND PROVIDERS



One of the biggest challenges we have had is making sure that we can provide the services and support that people we bail out need. One opportunity provided by the bail outs is to start to build a responsive community-based supportive services infrastructure. Mapping out existing service organizations and providers and starting to build relationships early on is essential to a successful bail out.



REACH OUT



Find other local organizations that you want to work with based on your vision and strategy. Introduce the idea to your team and/or pitch the idea to your local Black-led organization and get their buy in. This introduction should also be a space to strategize and articulate your group's vision and goal.

CREATING A BAIL OUT PLAN

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MAKE A PLAN, MAKE A PLAN, MAKE A PLAN- HAVING A VISION AND CREATING COMPREHENSIVE ACTION STEPS TO REALIZE IT IS AN ESSENTIAL PART OF THE BAIL OUT PROCESS.

**- ARISSA HALL,
PROJECT MANAGER
AT NATIONAL BAIL
FUND NETWORK**

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This section will go through an overview of the different parts of creating a bail out plan. It may be helpful to think about creating teams for each of the different areas that will be critical to your action. Starting on page 42 *****, you'll find more detailed and in-depth steps for creating your own bail out plan

CREATING A BAIL OUT PLAN



RESEARCH & FEASIBILITY

Doing the research to understand the local bail process and how to create a bail out intervention specific to the location you are in will involve working with community bail funds, public defenders, private criminal defense attorneys, community organizations, and many others. In addition to understanding the feasibility of a bail out in the local system, there will be work to create a way to identify folks to bail out.



ACTION/HOMECOMING

Doing a homecoming with organizers and allies to greet and welcome the people we bail out as they are getting out of jail is a powerful action and community-building opportunity. There are many creative options for designing actions that highlight the bail out. Work to organize the resources and logistics of a homecoming celebration as well as the related communications and advocacy is important.

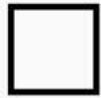


FOLLOW-UP & SUPPORTIVE SERVICES

Once we post bail to free our people, we want to make sure that folks are supported with what they need to resolve their cases as well as to thrive in their community. In the immediate period after the bail out, this could mean coordinating emergency housing, transportation, and health care. It will also mean working to create systems to support folks with court reminders, rides, and connections to legal support over an extended time so that they remain free. In many places, it has been important to work with community members to create alternative support systems including connecting with community-based caseworkers and service providers around housing, transportation, mental health, medical, and employment support for the people you bail out.

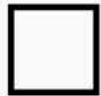


CREATING A BAIL OUT PLAN



COMMUNICATIONS

An important part of doing a bail out is getting the word out and making sure it is part of a larger moment of public education. Creating a team that will send out press releases; coordinate with the media to publicize the bail outs; create talking points for interviews with the media; make and share graphics; and coordinate the bail out social media campaign is key.



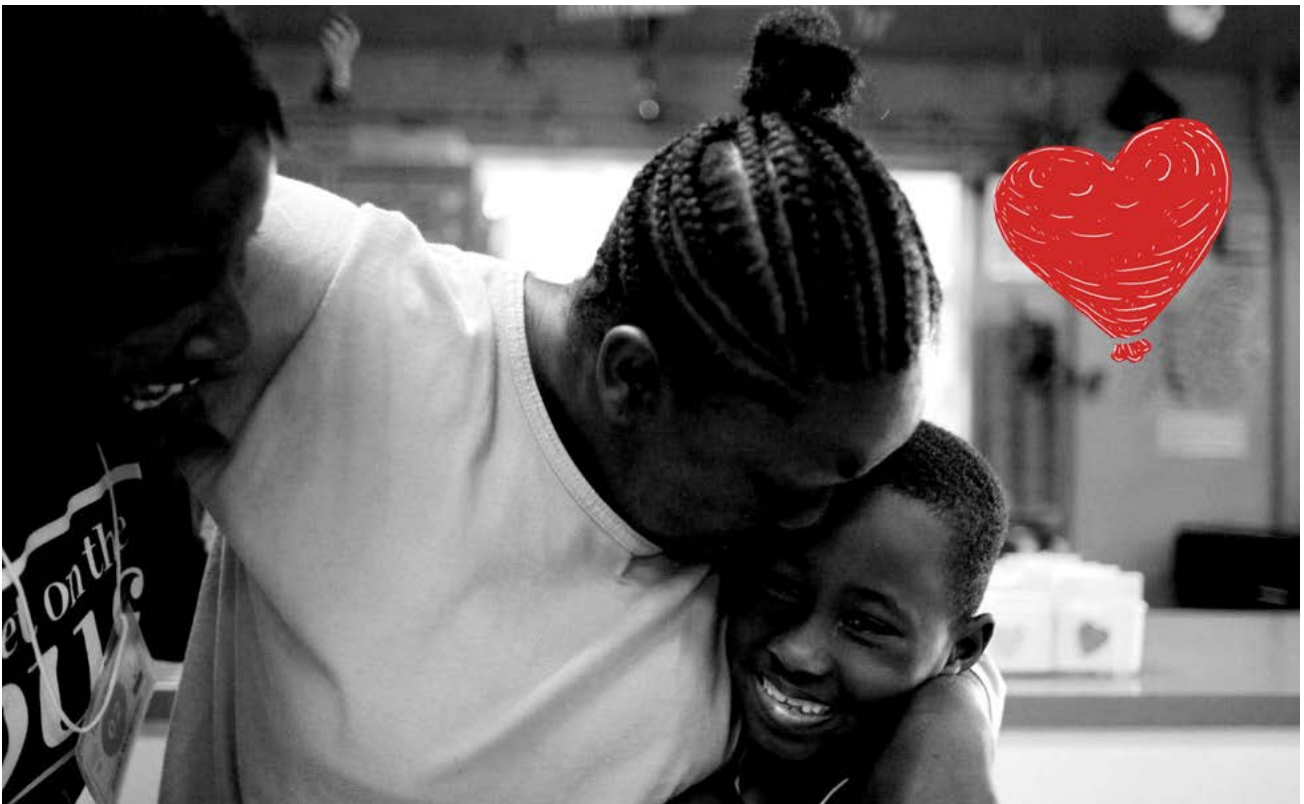
FUNDRAISING

Once you have done your feasibility research and created a bail out plan, you will have a sense of the resources you will need for the bail out. The next step will be creating a team and a strategy to raise money for bail and other expenses associated with the bail outs with a clear timeline.



BAIL OUT DAY

The full bail out plan you develop will have a bunch of moving parts that different teams will bring together. Some of the items you'll need to specifically track on the day (or days) of the bail out are listed below. You'll figure this out in your feasibility planning but, depending on the local process, it may take more than one day to bail folks out—we are intervening in a process that has put a hurdle at every step.





IDENTIFYING PEOPLE TO BAIL OUT



In your bail out plan, you'll have made plans to get folks referred to you from community members, public defenders, and families; or you'll have found them through direct outreach in the jails. You'll have also worked out if you are bailing people out who have been inside for some time or if you are intervening at arraignments or bail hearings. If you are going to be bailing out folks by identifying them on the day of the bail out, either in court or in the jails, set up a team to work with families and attorneys.



BAIL PAYMENT



The criminal legal system has made the payment of bail an explicit barrier in most places. Make sure that your team has reviewed the rules and is ready for the following:

- Are folks who will be paying bail ready with identification and any other requirements of the person posting bail (known as an obligor)?
- Have funds in the format that is accepted? This may be only cash, individual money orders, or another format.



HOMECOMING



Set up the homecoming station to wait for people to get out of jail. If you are having an additional homecoming event in the days after the bail out, have information ready.



PRESS



Send out a press release about the action and set up interviews. Document and publicize the bail out. Make sure there are spokespeople available to do interviews—they could be from your team, or family and friends of the folks you've bailed out. Respect the privacy of the people you just bailed out. Depending on how long the bail out takes, press coverage may go into the next day.



ESTABLISHING SUPPORT NETWORK



Follow-up is going to be important. Make sure that you have a way to stay in touch with the folks you've bailed out. Establish a way to be in contact to follow-up about upcoming court dates as well as immediate needs and longer-term support services.

AFTER THE BAIL OUT

After your bail out action, there is still a lot to do. We want to make sure we provide community support for the folks we bail out. And we want to make sure that we amplify our actions and bring them into the conversation around ending money bail and pretrial detention.



THE DAY AFTER THE BAIL OUT



HAVE A HOMECOMING CELEBRATION!

This could include eating food together, having a story circle to share experiences, and much more (always provide childcare and activities for children).



HOLD AN ACTIVITY THAT SERVES AS A POLITICAL EDUCATION

This could include a story circle where the people you bailed out talk about their experiences on the inside and/or organizers talk about their experience working to bail people out. Or it could be an outdoor movie screening (Kalief Browder documentary, etc.), or a teach-in using parts of the Transformative Bail Reform Curriculum.



FOLLOW-UP WITH PRESS & MEDIA

You may have been overwhelmed with all of the intensity of getting people out on the day of the bail out. The day after is still a good time to talk about the experience and highlight how many people are now free.



PUT PLAN IN PLACE FOR FOLLOW-UP WITH THE FOLKS YOU BAILED OUT

This will look different for everyone. Some folks may need help with transportation and emergency housing. Some folks may need additional legal support. Other folks may just need reminders of future court dates. Make sure there is a way for you to be in touch with folks and for them to be in touch with your team.



ONE WEEK TO SIX MONTHS AFTER THE BAIL OUT

The work of the bail out will continue long after the day of the bail out. We've divided this into two checklists. We need to make sure that folks we bail out have the support they want and need and that they are connected to resources to ensure that they are out of the clutches of the tentacles of the carceral state. And there will be many steps to take to bring the experiences of your bail out into the larger work to end money bail and pretrial detention.



SUPPORTING THE FOLKS YOU'VE BAILED OUT



CREATE A TRACKING DOCUMENT

Create a system that works for your team to keep updated on the next court dates and status of cases and that can help you stay in contact. This will also help you track when cases are closed and you get the bail money back (note that the system doesn't automatically send returned funds back so you'll have to follow the return process when cases are closed).



CREATE A COURT REMINDER SYSTEM

We want our folks to stay free after they've been bailed out. Reminders and support in getting to court (like rides and child care) are the easiest ways to support people not having issues with warrants or re-arrest. Set up a system where folks get reminder calls or texts about their upcoming court dates. This could be a phone tree with folks in order to create community accountability and support, for example. Reminders should also include the offer of support to get to court, such as transportation, child care, and communication with attorneys if there are scheduling issues.



CONNECT TO COMMUNITY-BASED SERVICES

Make sure the folks you bailed out are connected to resources they have identified as needing. This could include being connected to a community-based caseworker or connecting to available community-based services.



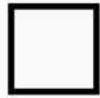
BUILDING ON THE WORK



CONNECT WITH THE FOLKS YOU BAILED OUT



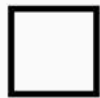
Have an event for folks you bailed out to plug into, such as a public education event or a training. Talk to the people you bailed out about their experience to get insight into what some policy priorities might be and how their knowledge can inform the next steps (and how they can be involved in those next steps!).



DEBRIEF AND EVALUATION



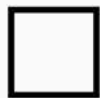
If you are looking at campaigns to end money bail and pretrial detention, the bail out will have been full of lessons and next steps.



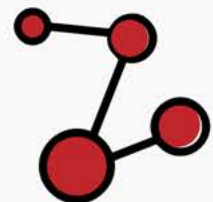
CONNECT WITH SUPPORTERS



Thank people who donated and supported the action and provide them with ways to stay connected and plug in to the work.



CONNECT THE WORK OF THE BAIL OUT TO CAMPAIGNS



The Beyond Bail Out section of this toolkit will go into the range of options for moving into advocacy and campaigns to end money bail and pretrial detention. This will be another work plan and could involve sending emails and asking for meetings with lawmakers, judges, and the district attorney's office; creating and disseminating a petition to end money bail; or testifying at current hearings or special commissions looking at new policies to end money bail.

THE PRISON INDUSTRIAL COMPLEX IS BUILT UPON A CYCLE OF RE-INCARCERATION THAT IT PERPETUATES. MANY FOLKS HELD IN CAGES BECAUSE OF UNAFFORDABLE BAIL ARE THERE BECAUSE THEY ARE CAUGHT IN A VICIOUS CYCLE WHERE THEY ARE BEING RE-ARRESTED FOR PAST CHALLENGES WITH UNPAID FINES/FEEES OR COURT CASES.

GENERAL BAIL INFORMATION



Across the country, there are 646,000 people locked up in more than 3,000 local jails. Seventy percent of these people are being held pretrial—meaning they have not been convicted of a crime and are legally presumed innocent. The system is marred with racism—Black people are twice as likely to be held pretrial as white people. These hundreds of thousands of people, who have not been convicted of any crime, are locked in cages because our country has a system of money bail, in which the constitutional principle of innocent until proven guilty only applies to those with money.

Under the money bail system, a person accused of a crime is required to pay a certain amount of money to stay out of a jail cell. This money is used as ransom in an attempt to ensure that they will attend future court hearings. Nonetheless, under the money bail system if the accused person, or their family, is unable to come up with the money either personally or through a commercial bail bondsman, they will be incarcerated until the case is resolved.

The cost of pretrial incarceration is high. It forces innocent people to plead guilty by holding them in often inhumane conditions for months or even years until their cases are resolved. In many cases, like that of Kalief Browder's, this can take years, and even when released, the psychological, financial, and social cost is never repaired. **But even a few days in jail can cost someone their job, their housing, their children or, as in the case of Sandra Bland, their life.**

HOW DOES BAIL WORK?

THE ARREST OCCURS.

If there is probable cause that you allegedly committed a crime, you are arrested and then taken to jail.



BOOKING

Following the arrest, processing begins which is known as booking. During this time, finger prints & mug shots are taken and bail is set.

BLACK PEOPLE ARE TWICE AS LIKELY TO BE HELD PRETRIAL AS WHITE PEOPLE.

CAN MAKE BAIL



The person accused is eventually able to go home once the bail is posted. From a position of freedom the person accused is able to receive legal counsel to defend themselves against the alleged charges and return to his/her life.

CAN'T MAKE BAIL



If the accused person, or their family, is unable to come up with the money either personally or through a commercial bail bondsman, they will be incarcerated until the case is resolved

POTENTIAL EFFECTS OF REMAINING IN JAIL



Psychological Trauma



Displaced housing



Losing Children



Lost of job

OR EVEN DEATH

GENERAL TALKING POINTS



Money bail costs our communities and families too much—from the impact it has on our bodies to that on our spirits and ability to thrive.



Our goal is to get as many Black people out of cages while drawing attention to the heinous practice of money bail and the bail bonds industry in order to inspire community action.



This Bail Out Day is rooted in the history of Black Liberation, where enslaved and free Black people used their collective resources to purchase each other's freedom. Until we abolish mass incarceration we will find ways to get our people free.



Broadly, we want a divestment from institutions that harm our people—from police to jails—and we want that money to be reallocated to our communities so that we can invest in the education, employment and healing of our people. This is a means to that end.



As mass incarceration has taken root and the bail industry's influence has grown, more and more people are being held before trial because they can't pay bail.



From 1990 to 2009, more and more people charged with felonies were required to pay money bail for their release—growing from 37% to 61%—and the percentage released on their own recognizance plummeted.



Using for-profit bail is the most common form of release. Since 1990 court's use of for-profit bail has doubled, going from 24% in 1990 to 49% in 2009.



More than 95% of cases result in a guilty plea. Police, prosecutors, and judges use money as leverage to force the accused into guilty pleas. However, when we post bail a significant number of cases are dismissed.

FREQUENTLY ASKED QUESTIONS

Question: What is money bail?

Bail is essentially a guarantee (usually in the form of money) a judge may require you to post as a condition of your release before trial. In theory, bail is supposed to incentivize that you come back to court and isn't supposed to be punitive, as the system is supposed to be built on a guarantee of presumed innocence before trial. In practice, the use of money bail and pretrial detention exacerbates existing racial and economic inequalities; coerces guilty pleas; and makes it more difficult for folks to return home to their community and loved ones.

Question: What is immigration bond?

Immigration bond is a required payment set by an immigration judge to ensure immigrants participate in their court proceedings. Immigration bond is hard to obtain and while there is a minimum amount bond can be set too there is not a maximum limit. Often bond is set so high that immigrants are unable to pay and therefore are subject to indefinite detention. Like immigration enforcement in general, bail policies- are egregious and disproportionately disadvantages Black folks.

Question: How many people are impacted by bail?

There are 646,000 people in local jails and nearly 70% of them are awaiting trial. They have not been found guilty of a crime and have not yet been tried, but cannot afford to pay bail. Pretrial incarceration is one of the main drivers of mass incarceration across the US.

Question: How many people are impacted by immigration bond?

The U.S. has the largest immigrant detention system in the world. are over 360,000 people in immigration detention. Immigrants who have entered without documentation, asylum seekers and people with criminal convictions are often not eligible for bond hearings.

FREQUENTLY ASKED QUESTIONS

Question: Why are we doing bail outs?

- Because we can buy folks freedom and push against mass criminalization and modern bondage. Until we abolish bail, immigration bond and mass incarceration, we're gonna free ourselves. We also do bail outs to:
 - Give incarcerated and detained people an opportunity to reunite with their families.
 - Build community through gatherings that highlight the impact of inhumane and destructive bail practices in our communities.
 - Make a strategic intervention to expose the cruelty of the system.
 - Support migration as a human right for asylum seekers.
 - End the wasting of money to cage our people. In addition to the over \$9 billion wasted to incarcerate folks who have been convicted of no crime, pretrial incarceration has catastrophic impacts on families and communities.
 - Support efforts to prevent deportation.
 - End the suffering of our people. When Black people are taken from our communities, we all suffer. Now more than ever, we must break open the conversation about how we can continue to dismantle this system that destroys our humanity and breaks up our families.
 - End mass criminalization. We know that cages do not keep our communities safe and fail to address the needs of our people. Jails often cause more harm to people who are already vulnerable. Our communities are made safer when our people have access to supportive services, not by being policed and thrown into cages. In our efforts to bail people out of jail, it is also important that we offer some supportive services to provide stability and give our people a chance to thrive.

FREQUENTLY ASKED QUESTIONS

Question: What are we doing?

- This action reflects a growing movement to end mass criminalization and modern bondage. There have been National Bail Out Days happening since Mother's Day 2017 supporting Black people who are entangled in the criminal legal system, highlighting the need for bail reform, elevating the human costs of incarceration and immigrant detention on our communities and families, and demanding community action.
- We believe the bail outs are a necessary, collective intervention/effort to give as many Black people their freedom as possible.
- This is a vision rooted in the history of Black Liberation, where our enslaved ancestors used their collective resources to purchase each other's freedom before slavery was abolished.
- We are also using the bail outs to experiment with other systems that can better uplift and support our people. We have developed social work networks, provided housing and connected people to employment opportunities. As we dismantle the current system we are intentional about building a community based alternative.

Question: Who are we bailing out?

- We are bailing out people from all Black communities. Queer, trans, young, elder, immigrant because Black people are 2.5 times more likely to be arrested than white people. They are also 2 times more likely to be detained than whites. On average, Black men face bail amounts 35% higher than white men. Black immigrants are more likely to be detained and deported because of a criminal conviction than any other immigrant community.
- Money bail is part of a racialized system of control. Black people ages 18-29 receive significantly higher bail amounts than all other ethnic and racial groups. Additionally, Black people are less likely to be released on their own recognizance than white people.

FREQUENTLY ASKED QUESTIONS

Question: Who are we bailing out? (CONTINUED)

- Jail is already an inhumane place, but it can be especially violent and harmful for queer and trans folks. It is important that we focus our efforts on queer and trans folks because the incidents of sexual assaults and other forms of violence are often higher for queer and trans people.
- This is a vision that comes from organizations organizing on the frontlines of the fight against mass incarceration.

Question: What is the intervention?

- The National Bail Out Days give incarcerated people an opportunity to go home to their families, highlight the impact of inhumane and destructive bail practices on our communities and support the base-building of local organizations working with communities on the frontlines of mass incarceration.
- Our people need care and not cages. The bail out allow us to make sure folks can come home where they can receive the care they need.
- We will continue to elevate a narrative about the human and financial costs of money bail and emphasize its impact on Black families and the Black community.
- In specific jurisdictions we will use the action to support ongoing reforms and pressure decision makers

Example: Organizers in California are working to pass a statewide bill that would enact bail reform.

Example: Organizers in Philadelphia are calling on politicians like the District Attorney to stop the use of money bail and recently passed a resolution calling for the end of money bail.

Example: Organizers in Texas are working with local judges to change the bail schedule and enact individualized assessment.

FREQUENTLY ASKED QUESTIONS

Example: Organizers in Atlanta passed a city ordinance limiting the use of money bail.

Question: What are the impacts of money bail?

When our friends and family languish in jail because of money bail, our families and communities suffer. The costs are devastating. When immigrants can not pay bond they are then subject to indefinite detention. Detention also separates immigrants from their families and eases deportation. People often face huge collateral consequences such as the lost of jobs, housing and even children, only to be found innocent. Some women, like Sandra Bland, have lost their lives. The cost to the children they nurture, the partners they love and the communities they hold is incalculable.

- In 2014, there were 1,053 deaths in local jails, an 8% increase from 2013 and deaths that may have been prevented if given proper medical attention outside of jail.
- From 2003 to 2016 there were 177 deaths in immigrant detention.
- One jail bed cost \$60 per day, and can reach up to \$200 in some areas.
- It costs \$134 for every adult in immigrant detention and \$319 for family detention.
- We spend \$14 billion a year to keep people who can't afford bail in pretrial detention. \$2.6 billion a year is spent on immigrant detention.

Question: Why have y'all chosen to exclusively focus on black people?

We are intentional about being inclusive and centering people who are most impacted and at the margins. . This is why we chose to exclusively focus on bailing out Black people and are intentional about centering queer, trans, femme and immigrant Black folks. Additionally, money bail is part of a racialized system of control. Black people are disproportionately impacted at every point in the system. For instance we are 2.5 times more likely to be arrested and twice as likely to be detained than whites. Additionally, Black men are given bail amounts 35% higher than white men. Black immigrants have the highest levels of criminal alien detention and deportation.

FREQUENTLY ASKED QUESTIONS

Question: Why are you centering women queer, and trans people?

We are centering women because we know that the number of women incarcerated in local jails in the United States has increased 14-fold since 1970. Nearly 80% of these women in jail are mothers and most are single parents.

Jail is already an inhuman place but it can be especially violent and harmful for queer and trans folks. It is important that we focus our efforts on queer and trans folks because the incidents of sexual assaults and other forms of violence are often higher for queer and trans people.

Question: Have folks been charged with violent or nonviolent charges?

Black people are overcharged whether or not it's with a violent or non-violent crime. In addition, regardless of the charge, people are only being jailed because they don't have the disposable income to pay money bail although they are presumed innocent.

Question: How are we using the money?

We are using the money to bail folks out of jail and provide supportive services they may need to transition back into the community.

Question: Don't we need bail to make sure people show up for their court dates?

Research shows that people show up for their court dates at the same high rates (85-90%) with or without a money bail. Research by Vera Justice Institute suggests that a simple phone or public transportation pass is all that is needed to ensure that someone comes back to court.

Question: What happens if someone released on their own recognizance commits a crime while on pretrial release?

The criminal legal system's use of bail does not enforce public safety. It contradicts the country's claimed constitutional values of presumption of innocence, liberty, and due process.

FREQUENTLY ASKED QUESTIONS

Question: Don't we need money bail to keep dangerous people out of our community before their trials?

- Money bail doesn't keep us safe. Release decisions should be made on a case-by-case basis, and wealth should not be a factor.
- Our current system keeps low-income people in jail unnecessarily. Spending even just a few days in jail makes people more likely to be arrested and incarcerated again in the future.
- It's important to remember that folks held on bail have not been convicted of a crime and are presumed innocent. Due to this, they should be able to fight their cases and live their lives from a true position of innocence-outside of a cage.

Question: What's the alternative to the for-profit bail industry?

- Release. More recently we have watched places like New Jersey, and have learned that there are a myriad of tactics to get to more release decisions and ensuring appearance at court and safety.
- A needs assessment system whereby a community-accountable independent agency determines what a person's needs are and provides a plan to meet those needs prior to releasing a person from pretrial detention.
- We have opportunities at nearly every stage in the arrest and pretrial process to avoid the unjust and costly consequences of trapping people behind bars who have not been convicted of a crime, including alternatives to ensure appearance at trial, such as automated phone calls and text messages.
- Robust community services for healthcare

THINGS TO KNOW ABOUT THE BAIL BONDS INDUSTRY

- Corporate opportunists have created an unaccountable and unnecessary two billion dollar bail bond industry to profit from taking away people's freedom.
- Money bail is an unjust and destructive force that impacts millions of families, especially in Black and low-income communities.
- Every year millions of people are coerced into paying money bail after they're arrested in order to remain free while their cases are processed. Even though these individuals are still innocent in the eyes of the law, they and their families are forced to pay non-refundable ten percent deposits to for-profit bail bonds companies.
- The money bail system perpetuates racial bias within the criminal justice system, and only benefits the for-profit bail bonds industry and the big insurance companies that back it.

Bondsmen and the big insurance corporations that underwrite them are profiting from a corrupt system that preys on people of color and poor communities.

- The bail bonds industry is a lot like the payday loan industry. The bail bonds industry is built on predatory business practices, preying on Black people and poor communities of color who are disproportionately exposed to the criminal justice system, and transfers huge amounts of money from everyday people to large corporations.
- Bail insurers ensnares families in a debt trap with fees and installment plans, making millions off premiums alone. They coerce people into signing over their privacy rights and when it's not profitable they leave people in jail.
- A small and shrinking number of insurance companies collect their cut of nearly all the bail bond premiums collected by bail agencies. While there are still around 30 bail insurance companies, the top nine bail insurers that each underwrite a billion dollars in bonds cover the vast majority of the estimated \$14 billion in bond posted by for-profit bail each year.
- Money bail serves no discernible public good as bail does not guarantee that a —all it does is allow Wall Street to profit from mass incarceration.

THINGS TO KNOW ABOUT THE BAIL BONDS INDUSTRY:

There is enormous and arbitrary variation—as well as demonstrated racial disparity—in the bail amounts and conditions set for people.

- Release determinations and bail amounts vary widely judge by judge and court by court—based on prosecutors' demands, bail schedules, judicial choice, and local laws.
- Research shows that Black people are assigned higher bail amounts than people from other races, which only further compounds the disparity communities of color face at every stage in the criminal justice system.
- With more than 11 million people cycling through jail each year, unaccountable corporations have become de facto gatekeepers that decide who is released from jail before trial.

Money bail fuels mass incarceration and disproportionately impacts Black and low income communities.

- Bail creates a jail trap, keeping large numbers of people in jail who do not belong there only because they cannot afford bail, not because they present any threat to public safety.
- There is increasingly bipartisan consensus that too many people are incarcerated at too high a cost for people and communities. The bail insurance industry fights reforms aimed at reducing unnecessary arrests, and pushes for increased enforcement that preserves their customer pipeline even as the consensus grows for criminal justice reform.

These corporate enablers prop up and profit from racial bias in money bail.

- Bail insurers lead national efforts, through organizations like ALEC, to preserve the for-profit bail system. They fund lawmakers and lobbyists to keep their access and resist when courts, communities, and legislators demand change.

THINGS TO KNOW ABOUT THE BAIL BONDS INDUSTRY

- For example, bondsmen have successfully pushed back on reform and pretrial services that would help low-risk, poor people be released before trial in Texas— and have also done so in California and Maryland.

We need to abolish the for-profit bail industry. Big companies whose only goal is profits should not be the gatekeepers of pretrial detention and release.

- Money shouldn't determine someone's freedom, and we need to work to eliminate its use in determining pretrial release. Local prosecutors, judges, and sheriffs should all be exploring every option possible to limit the use of money bail right now. City and state leaders must reform their bail systems to end the use of money bail.
- Where for-profit bail continues, regulators, Attorneys General, and legislators must investigate the industry and increase ongoing oversight.



IMMIGRATION

“

BLACK IMMIGRANTS FACE THE HIGHEST LEVELS OF DETENTION DUE TO CRIMINAL CONVICTIONS AND ARE OFTEN NOT ELIGIBLE FOR BOND.

-BEN NDUUGA-KABUYE, ADVOCACY AND RESEARCH MANAGER AT BLACK ALLIANCE FOR JUST IMMIGRATION (BAJI)

”

In this section you will find some basic information that touches on immigration bond and its relationship to the criminal bail system. Although immigration bond operates differently from criminal bail/bond, you may be confronted with questions or inquiries about the immigration bond system or the intersection of the immigration detention and criminal legal systems. To learn more, we encourage you to contact your local immigrant rights group and legal service provider.



IMMIGRATION

Some Basic Facts:

- Immigrant communities across the U.S. are facing a surge in detention and deportation. In the first nine months of 2017, Immigration & Customs Enforcement (I.C.E.) arrested 40% more people than the same time period in 2016.
- Immigration “detention” is incarceration: it often even happens in jails in areas rented by ICE from local officials. Many ICE detention centers are in isolated areas and far away from where people are arrested, therefore far away from their families and communities.
- Once someone is detained by ICE, removal proceedings can take many months or even years. Increasingly, interaction with the criminal legal system leads to targeted ICE detention in immigrant communities. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 mandates detention of immigrants in almost all instances where the immigrant has any sort of criminal conviction, regardless of whether it’s a violation, misdemeanor, etc.
- Unlike criminal legal proceedings, only some people held in detention have the opportunity to be released on immigration bond to fight their case. In some jurisdictions, less than half of people held in immigration detention are able to get immigration bond set. Immigration court judges do not have to consider the financial status of immigrants when setting bond. Immigrants do not have a right to a lawyer in immigration court so in many cases there’s no one advocating on their behalf for a bond hearing.
- The average immigration bond is set at \$6,500, with over a quarter of all bonds set at over \$10,000. The U.S. also has the largest immigration detention system in the world with over 360,000 people in detention.
- The U.S. also has the largest immigration detention system in the world with over 360,000 people in detention.



IMMIGRATION

Impact on Black immigrants:

- Policy and practices around immigration bond—like all US immigration enforcement policy and bail policies—is egregious and disproportionately disadvantages Black folks.
- The limited discretion of judges has the biggest impact on Black immigrants because our folks are usually in deportation proceedings as a result of criminal contact.
- 22% of all immigrants facing deportation on criminal grounds are Black.
- 20% of immigrants in detention because of criminal contact are Black.
- When you look at specific countries it's worse: 84% of Jamaicans are deported as a result of criminal contact. In many cases as a result of a drug offense (because of over-policing black people are 2.5 times more likely to be arrested for drugs).
- So in most cases our folks aren't even eligible for immigration bond.

Information on Paying Immigration Bond:

Paying immigration bond is a different system than the criminal bail/bond system focused on in this tool-kit. If you are considering paying immigration bond, we recommend that you connect with the following:

- An immigration Bond Fund (link to directory - <https://brooklynbailfund.org/nbfn-directory>)
- Organizations that are fighting ICE detention and have experience with the immigration bond system.
- Legal service providers that are focused on detention and deportation and have experience with the immigration bond system.

You'll have to do the research and feasibility work that we mention for the criminal bail system in the section about Your Bail Out Day, but for the immigration bond system there are significant differences in who can post immigration bond, when and where it can be posted, and how to coordinate with legal support.

WHO TO BAIL OUT?

Deciding who to bail out?: A reflection on moving beyond who is “deserving”

We are committed to maintaining the presumption of innocence for all of our people and committed to the humanity of all of our people. We practice this commitment by paying bail for individuals based on need, not on charge types or any sort of pretrial “risk” judgment. This commitment helps guide the difficult decision making process of who to bail out and should remain highlighted during discussions on “criteria.” See below for some reflections on the topic.

Deciding who to bail out can be a very political decision. In any bail out campaign, organizers will be faced with decisions about posting bail for people who have done things that make us uncomfortable or things that have resulted in harm. In the end, only local organizers know what makes sense for their work and the people they are organizing with. However, we urge everyone to remember that a person’s freedom should not be tied to their ability to pay and that no matter what a person has done they deserve dignity.

As the team responsible for bailing folks out, it’s not your responsibility to place value on the person or their actions (e.g. the “good protester” or “bad protester” debate). As an organizer, you don’t have to condone or agree with a person’s alleged actions to believe that they deserve dignity and due process. It is also important to remember that jail is not the best place for anybody. For many people who have caused harm to others, jail only exacerbates the problem. Nearly everybody comes home from jail, and when they come home often their mental health issues have worsened, their addiction issues have not been addressed, and they are economically unstable and socially isolated. If people need help we know that jail is not the place they will get it.

As Bryan Stevenson often says, “a person is not the worst thing they have done.” And we are striving for a legal system that treats everyone with dignity and respect. Even those who need to be accountable for how they have harmed others. We believe the idea that someone is “violent” is used as an excuse to treat them like they are disposable and not human. We refuse this logic. We are fighting for all of our people and do not believe cages repair or prevent harm. We seek to reflect this belief in all of all of our messaging. Even if for strategic or financial reasons we are not able to bail out and support some people, we refuse to throw them away.

SINCE 1980, THE NUMBER OF INCARCERATED PEOPLE HAS GROWN BY 500%. FED BY A RACIST WAR ON DRUGS, THAT OUR CURRENT ATTORNEY GENERAL JEFF SESSIONS IS TRYING TO RESURRECT, MILLIONS OF PEOPLE HAVE BEEN TAKEN FROM THEIR FAMILIES.

YOUR BAIL OUT PLAN

As noted in the previous Overview and Checklist section, there is no one way to execute a bail out. However, from the recent Bail Outs we have learned that it is always best to have a plan to inform your journey. Here you will find a step-by-step guide to help inform your individual bail out plan and action steps.

Bail Out Feasibility

Conducting a bail out action will look different in every jurisdiction, as laws and procedures vary across localities. The process of bail being set, and the ability for community members and organizations to pay bail, is very specific to the city or county system you are in, and so your bail out action will need to be tailored to that. Sometimes bail is even different in the same location: there will be one process for city ordinance charges and another for county ordinance charges that occur in that same city!

We recommend creating an intervention that reflects both your capacity (organizational and financial) and the specific process & structure of the jurisdiction you are operating in. In all of this, we are mindful that we are not trying to replicate structures of the current unjust system such as the commercial bail bond industry or punitive supervision, but are trying to empower community members to intervene directly in the system and create accountable alternatives. Determining the feasibility and understanding the process—both of which will help you create your bail out plan—are outlined below:

Who can pay bail? Are there legal restrictions or requirements?

- Who is allowed to pay bail?
- Are there limits on the number of bails an individual can pay in a time period?
- What does this mean for your collective/organization/group - who will be able to serve as a bail payer?

What is the process for paying bail?

Figuring out the process for paying bail is multi-faceted and includes:

- When is bail set in the process? - At arraignment? A special bail hearing? Can you have a new bail hearing at any point?
- Who is involved when bail is set? - Is it a judge? A magistrate? A bail commissioner? Is a public defender present? Does it happen in person or over video? Can you observe?
- How is bail set? - Is there a bail schedule or is it widely variable? What happens with multiple charges?

YOUR BAIL OUT PLAN

- When can bail be paid during the process?
- What is the actual process for paying bail? - The physical location? The specific mechanics (cash, cashier's check, format)? The timing?
- Can individuals/organizations pay a percentage of the total bail/bond amount?
- Are there alternative forms of bail/bond that individuals may be eligible for?

The research process to answer these questions could include:

- Speak with a community bail fund in your area (<https://brooklynbailfund.org/nbnf-directory>)
- Speak with a public defender office and/or criminal defense attorneys.
- Speak with friendly folks—in courts, jails, advocates—who interact with or are part of the system to understand the nuts-and bolts of how bail setting and bail payment work.
- Review posted processes on city/county court websites, criminal justice/departments of corrections websites, etc.
- Do some initial court-watching to understand how the system is operating. This could involve going to court at a few different times to understand the reality of how the process is functioning.

How many people are in the jail you are focused on? How many could be released on bail (sometimes referred to as “bailable”)?

Questions to research:

- How many people are incarcerated pretrial each day?
- How many have bail set or are eligible to have bail set?
- How many individuals are not eligible to be bailed out because of other “holds” or parole/probation “detainers”?

What is the average bail amount people are held on? What is the range (lowest to highest)?

YOUR BAIL OUT PLAN

Making a Bail Out Plan

Once you've mapped out all of the feasibility questions and understand the process, it's time to create a plan. This plan should reflect the vision and goals you set out and incorporate the realities that feasibility planning will have uncovered.

Core Planning Steps:

Budget - Once you know the average bail amounts and the potential number of people eligible to be bailed out from your feasibility research, you'll want to develop a budget goal for the number of people or the maximum amount of bail you will pay. This will help with your fundraising plan.

Sample: Will you establish a budget of \$30,000 to pay up to six bails of up \$5,000 each or will you pay for one bail of \$25,000?

Identifying & Connecting with People to Bail Out - There are different ways to figure out who you will bail out. In the section below, we've outlined different routes in more detail. You might set up a referral process where public defenders, community organizations, and individuals and their families make connections. Or you might set up a process where you seek people out by looking at who is in jail or talking to families, organizers, and attorneys/public defenders.

Criteria - In the process of identifying folks to bail out, it can be helpful to make a criteria or a list of principles that will help to guide your decisions to prioritize/focus on certain individuals. Unfortunately, it is unlikely you will have the resources to bail out 100% of the people being incarcerated because of inability to afford bail. This means you will have to make some limiting decisions. These decisions may be based on a number of factors such as: prioritizing particularly vulnerable groups; identity; specific campaign goals in the fight to end money bail; specific jurisdictional bail process; capacity to provide supportive services; budget limits; and specific links to your bail out's goals. The questions you answered in your feasibility research will have helped you narrow down who you will possibly be able to bail out, but from there it will be important to make a strategic decision about whether you are only limiting who you bail out based on available funds or if you will further refine a "criteria." If creating a criteria beyond budget availability is part of your plan, it is important to be conscious of not reinforcing the 'deserving' vs. 'undeserving' or 'violent' vs 'nonviolent' dichotomy that is a foundation of pretrial detention and mass incarceration. (For more, see Addressing Good vs Bad Prisoner Challenge)

Legal Support - In some jurisdictions, there may be a need for additional legal support in your bail out, particularly if folks do not have guaranteed representation or if there are additional steps such as bail review/bail hearings. We recommend that folks assess whether they may need additional legal support depending on the details of the bail process and the assignment of public defenders. If you do need additional legal support please fill out this Law for Black Lives legal assessment survey.

YOUR BAIL OUT PLAN

Fees/fines - Many cases will have fees and fines related to the current case or past cases. To ensure that when you pay bail you are truly helping to free folks, we recommend that your group contemplate what your policy will be on whether you will pay for these (usually from the bail funds you expend) and budget accordingly.

Connecting with Collaborating Organizations - As you develop your plan, there will be lots of opportunities to connect and collaborate with other organizations and individuals. Establishing an outreach plan and inviting others to join in your planning process may be part of this phase. See the appendix for a sample outreach email from SONG's 2017 National Mama's Bail Out Day.

Identifying & Connecting with People to Bail Out

Identifying the folks you will bail out is one of the biggest parts of your bail out plan, as it will influence many of the other pieces of the work. You might identify people to bail out in multiple different ways:

Working with public defenders and/or private criminal defense attorneys - Reaching out and establishing a relationship with the local public defender office is one way to identify people who meet your criteria and to establish a referral process. If public defenders are not assigned, you could also work with private criminal defense attorneys. (A sample outreach email to a public defender office can be found in the Appendix.)

Setting up a community referral process - Reaching out directly to the community is also a way to identify people. You can create a hotline number or email account for referrals and then advertise that. This bail out referral information could be spread on flyers or in social media posts. You can also ask your friends and networks to share the bail out referral contact information so that it reaches people inside and they can reach out directly with requests.

Jail Roster or "Inmate Search" - In some places, you will be able to obtain (or purchase) a list of who is incarcerated in your local jail. Often this information can be found on the jail's website. These rosters often include information about charge, race and gender. Based on that list, you can visit or write letters to folks who are incarcerated and speak to them about the bail out.

Courtwatching - This may vary by jurisdiction, but in some places you may be able to identify folks to bail out by going to court and seeing who is being charged and what bail is being set. This method will involve more flexibility and availability, as you will have to set up a process where once the judge/magistrate sets bail you are able to speak to the attorney or family members about bailing the person out.

YOUR BAIL OUT PLAN

HOW TO FIND TRANS FOLKS

We believe it is important to be intentional about finding trans and gender-nonconforming folks to bail out. However, this can be a difficult process because often the gender of a person is identified after the arrest and is based off of the gender the officer assigned them or the gender a person is assigned on their government identification. The most effective way to overcome these challenges is to be in community with trans and gender-nonconforming folks. In addition to being in deep community here are some additional tips for finding trans folks to bail out:

- 1. Work with public defenders and social workers who share your politics.**
- 2. Assign a team member to review mugshots .**
- 3. Talk to folks who recently got out of pretrial detention who could identify folks.**
- 4. Post a hotline number and/or email address in key places that are popular in LGBTQI communities.**
- 5. Reach out to LGBTQI orgs, anti-violence orgs, affirming churches and community centers in the community. You may consider contacting the following organizations: BreakOUT!, Women with a Vision , TGI Justice Project , Solutions Not Punishment, and Black & Pink.**

YOUR BAIL OUT PLAN

Needs Assessment & Supportive Services

We know that it's just as important to assist and support our people coming home as it is to post their actual bail. That can take on many forms, including short-term support that meets basic and immediate needs such as transportation or food immediately after release, to more long-term support such as ongoing housing assistance and health care services. In addition, support services often include resources to help folks return to court and to stop the cycle of re-incarceration. This often looks like reminder calls/texts, transportation to court dates, and referrals to additional legal services and programs.

We believe it's essential to be able to provide some of these resources to those you bail out or to refer them to service providers and community members that can. It's important to note that although we believe these resources are important, they're optional and should never be presented by you or your organization as a condition of release. In your bail out, it's important to not replicate the harmful practices of the state and to always honor the humanity and autonomy of the people you're bailing out.

Creating a supportive services plan will involve assessing what folks need and how to meet those needs. Depending on your organizational capacity and budget, this may look like connecting with a network of community-based providers and services, or it may look like having someone on your team serve as a "caseworker" who can help navigate and make connections. When we refer to "caseworkers," we are not trying to replicate state supervision or surveillance, but note that in many communities, there are caseworkers who might assist in providing support within the goals and vision of your bail out action. Creating a directory of community-based services for community members to use (or to include in welcome home packets) is a great way to make connections.

Another part of providing supportive services to the folks you bail out is making sure they have what they need to return to court and resolve their case (we know that when folks are out on bail they have a much higher probability of having their case dismissed). Setting up a court tracking system and giving folks reminder calls/texts is an easy way to support the people you bail out. In addition to reminder calls, (and this may come up in the needs assessment work you do) it is important to figure out ways to provide support to return to court which could include:

- Transportation assistance - mass transit passes or rides
 - Child care - folks may need child care assistance so they can attend court dates
- Scheduling assistance - if folks need to miss a date because of work/family, communication with their attorney or the system may help in rescheduling

YOUR BAIL OUT PLAN

- Other legal assistance - there are often other barriers, including issues around past warrants, past cases, or immigration issues that may need to be resolved for people to safely return to court and not be re-arrested.

In creating any of these support structures, conducting a needs assessment establishes a baseline to understand what folks need and how we can begin to engage with community partners to hold our people as they return home.

SAMPLE NEEDS ASSESSMENT TOOL:

The next page is a sample of a needs assessment tool that you can use to interview people you may bail out. This will help you determine what they may need after you bail them out and whether you or your partners can meet those needs.

YOUR BAIL OUT PLAN

QUESTIONS

ANSWERS

How long have you been in jail?	
Are you employed? If not, would you like some resources to help you get a job? If so what type of job would you be interested in?	
Do you have children? If so, who is taking care of them now? Would you have custody of them if you were home?	
Do you have housing for you (and your children)?	
Do you have adequate transportation or will you need support with transportation?	
Do you have an attorney? If so, what is their name? If not, do you plan on getting a private attorney or public defender?	
Do you want to be bailed out?	
Can you commit to going to your court days?	
Are you working through any addictions? If so, are you getting help? If not, would you like to be connected to resources that can help?	
Do you have any mental health or other medical needs? Is there any medicine you need?	
What other resources do you think you will need to help you when you are bailed out?	
Do you have supportive family members and/or a support system that can help you as your transition back home? Can you share their information with us so we can connect and coordinate with them?	

YOUR BAIL OUT PLAN

RESOURCE CHECKLIST

In addition to the work of doing individual needs assessments and creating support systems from the information you gather, it is important to have some resources available ahead of time. This list is meant to help you brainstorm resources and support that the folks you are bailing out may need as they come home. Some of the suggested resources will meet their material needs, others are focused on the emotional and spiritual healing of folks. Needs will vary based on who you bail out but these ideas of possible resources that you should have available before you post bail are a good starting point.

Transportation - Does the person you are bailing out need or want transportation assistance? Can you provide them with transportation support? Transportation after they are bailed out? A monthly transportation pass, gas stipend, or ride to court dates?

Healing services - Are there community based healing or mental health providers (e.g. acupuncturist, counseling, restorative justice practitioners) that may support the person you are bailing out?

Trauma services - Are there community based trauma services that can support folks who have experienced violence or abuse?

Addiction services - Are there non-punitive addiction services that you can connect folks who have identified addiction as an issue to?

Employment resources - Does the person you are bailing out need employment? Are there employment resources or providers you can connect them with? Can your organization or a partner group provide proper attire for an interview or help write resumés?

Identification - Does the person that you bailed out have a form of non-jail identification? Is the lack of identification a barrier in finding housing, employment or getting benefits? Do they need help getting government identification?

Food - Is the person you are bailing out food secure? If not, is there a local food bank or other resources that you can connect them with?

YOUR BAIL OUT PLAN

Clothing - Does the person you are bailing out have clothing for court appearances or job interviews? If not, is there a local charity or people in your network who can provide clothes?

Childcare - Is the mother you are bailing out in need of childcare? Are there local low cost providers or people in your network who can provide child care?

Benefits - Does the person you are bailing out receive benefits? Do they need any support in making sure they are accessing benefits they are eligible for? Are there providers in your city that specialize in helping people access benefits?

Gift certificates from local business - Are there local business who would be willing to provide certificates or free services to the folks you are bailing out (i.e. restaurants, hair or nail salons, movie theaters, clothing stores)?

Develop communications strategy.

As you are developing your bail out plan, you'll want to make sure you have a communications strategy plan that elevates the actions and experiences. See the communications section of this tool-kit will guide you through some of the steps and tools for creating a communications strategy for your bail out.

Set a fundraising goal.

As you develop your bail out plan, you'll come up with a budget of how much you need to raise to cover bail and supportive services. Your feasibility research and planning should have gotten you to budget numbers that reflect the reality of the bail system you are in and a related plan. See the fundraising section of this toolkit to get more advice on fundraising tactics and developing a plan to reach your goal.

Plan homecoming materials & celebration.

A great way to welcome the people you bailed out home and also build community and engage in some political education is to have a homecoming celebration. This is a completely optional step but the following list should help you think about what is needed.

YOUR BAIL OUT PLAN

Planning a Homecoming Celebration

- Where's the location?
- What time of day/night?
- Caterer or potluck?
- How many people are you expecting?
- Activities?
- Childcare?
- Is this a private event or open to press?



YOUR BAIL OUT PLAN

Whether you plan a celebration or not, providing welcome home packets is a great way to make connections with the people you bailed out and start to build community support.

WELCOME HOME PACKET

This list is meant to be a guide to help you think through what you might want to include in the welcome home packet.

Items

- **Gift baskets with candy and snacks**
- **Toiletries**
- **Socks**
- **Cigarettes**
- **Burner phones**

Money and Gift Cards

- **Prepaid train/bus cards**
- **Prepaid phone cards**
- **Food vouchers/ gift cards**
- **Money to retrieve vehicles from impound**

Information

- **Invitation to homecoming celebration**
- **A list of social service providers**
- **Transportation arrangements to and from court dates**
- **Phone tree directions**
- **Introduction to person assigned to them on phone tree**
- **Introduction to caseworkers with caseworkers contact information**
- **Invitation to organizing meetings**

**SINCE MAY 2017 OVER
14,000 PEOPLE HAVE
DONATED TO BRING NEARLY
200 PEOPLE HOME TO
THEIR FAMILIES AND
COMMUNITIES, WHERE
THEY BELONG.**

COMMUNICATIONS

“

USING THE ABOLITIONIST FRAMEWORK & ACTION OF BUYING EACH OTHER'S FREEDOM, WE SHOWED HOW THE MONEY BAIL SYSTEM TEARS OUR COMMUNITIES APART. WE WERE ABLE TO SHIFT THE NARRATIVE IN WAYS THAT BOTH CENTER OUR PEOPLE AND REFLECT OUR VALUES.

-MICKY JORDAN & BIA JACKSON, COMMUNICATIONS ASSOCIATES AT SONG

”

A huge piece of a successful bail out is spreading the word about what you are doing. A good communications plan is both an organizing and a fundraising tool. The bail outs are an opportunity for you to educate your community about the cruelty of money bail and ask folks to give their money or time to ending it. This section provides organizers and allies with sample tweets, Facebook post, graphics, and media best practices to help amplify your bail out efforts and to garner support, generate media coverage, and apply more pressure on your decision makers.



COMMUNICATIONS

Social Media

Social media is one of the best places to spread the word about your bailout and begin to tell the story about why we must end money bail. It is key that you are clear on your messaging- what are the main points you want to convey? And who is your audience? Based on the answer to these questions you should agree on a hashtag and develop sample tweets, that you can share with allies and collaborators. Consistent and concise messages are the most easy to amplify and spread.

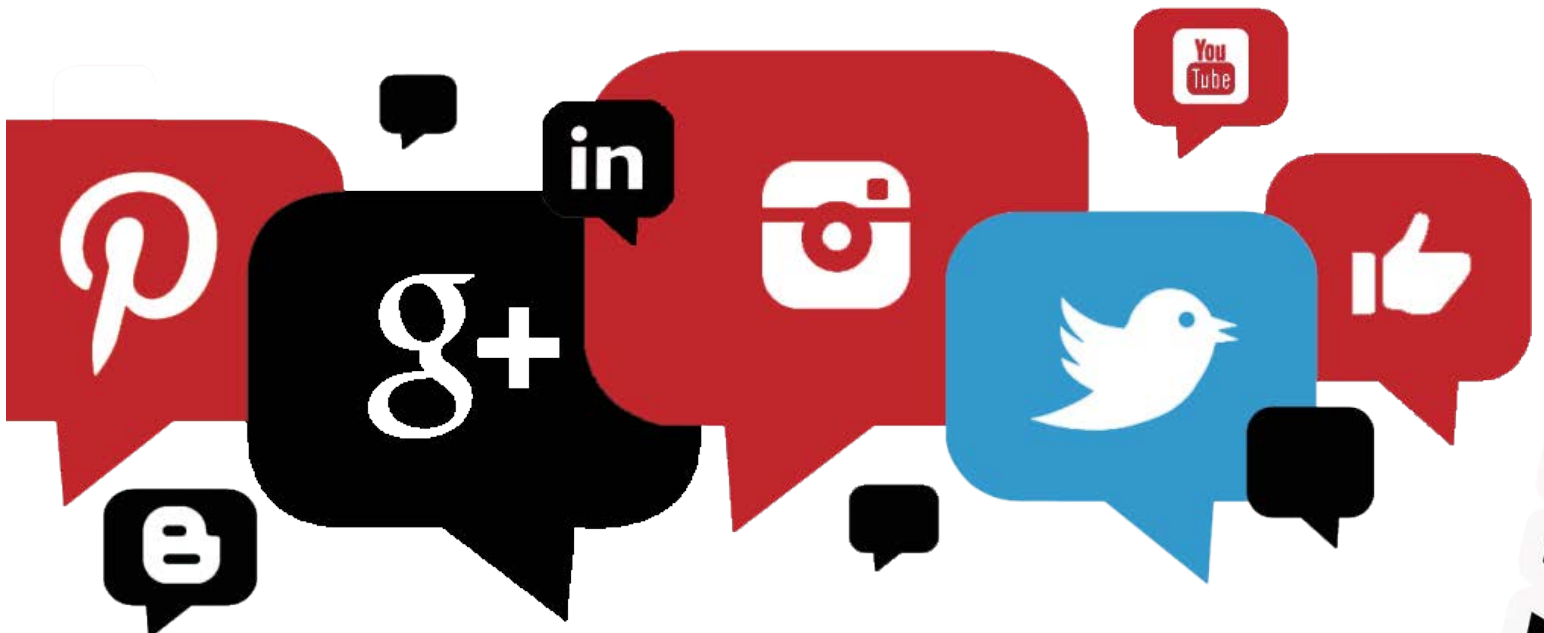
For the Black Mama's Bail Out we decide the two main themes we wanted to convey were the importance of motherly love, community and family as well as the connection between bail, mass incarceration and chattel slavery. Once we decided this our social media, graphics and media talking points all followed.



#FreeBlackMamas

#EndMoneyBail

#BlackLoveBailOuts



COMMUNICATIONS

Sample Tweets



CHRIS SIMMONS

@simmons88

For Black August, we are honoring the history of Black resilience and resistance in the face of white supremacy by getting our folks out of cages with another National Bail Out. [#EndMoneyBail](#) [#FreeBlackMamas](#) [#BlackAugust](#) [#NoMoreMoneyBail](#)



ALCIA WALKER

@awalker37

During Black August we are celebrating the pioneers of the struggle against mass incarceration through our Black August Bail Outs by bailing our people out of jail [#BlackAugust](#) [#EndMoneyBail](#) [#NationalBailOut](#)



ERIKA WILLIAMS

@ewilliams

Our ancestors organized to buy each other's freedom. We can too. nomoremoneybail.org [#EndMoneyBail](#) [#FreeBlackMamas](#)



REGGIE WILLIAMS

@ww645

Until we abolish bail and mass incarceration, we will free ourselves. [#BlackAugust](#) [#EndMoneyBail](#) [#FreeBlackMamas](#) [#NoMoreMoneyBail](#)



COREY PAUL

@cpthree

Join the fight to [#EndMoneyBail](#) this [holiday] nomoremoneybail.org [#EndMoneyBail](#) [#FreeBlackMamas](#)



CRAIG DAVIS

@cd8678

More than 40% of Trans women are sexually assaulted in jail nomoremoneybail.org [#EndMoneyBail](#) [#FreeBlackMamas](#)



COMMUNICATIONS

Sample Facebook posts



National Bail Out

Money kept them in but LOVE brought them home. Historically, Black communities have come together to do whatever it takes to secure our loved ones' freedom. In that spirit, organizations in {City} are coming together to free our people from the trap of money bail.

#EndMoneyBail Nomoremoneybail.org

Like · Comment · 9 minutes ago · 🌐

👍 100 people like this.



Write a comment ...



National Bail Out

Help us reunite families. Everyday an average of 700,000 people are condemned to cages in our local jails. A majority of them are separated from their loved ones simply because they cannot afford bail. Help bring them home: Join {City Name}'s Bail Out Day. Nomoremoneybail.org #EndMoneyBail

Like · Comment · 9 minutes ago · 🌐

👍 100 people like this.



Write a comment ...



National Bail Out

{City Name}'s Bail Out Day is for all Black people—including the most vulnerable women, trans women, cash poor folks, and LGBTQ folks. One in 5 transgender women have spent time in prison or jail and 40% are sexually assaulted while there. Help bring them all home.

Nomoremoneybail.org #EndMoneyBail #FreeBlackMamas

Like · Comment · 9 minutes ago · 🌐

👍 100 people like this.



Write a comment ...



National Bail Out

Since 1980 the number of incarcerated women has grown by 700%. Eighty percent of women in jails are mothers. Join the {City Name}'s Bail Out Day and help bring them home.

Nomoremoneybail.org #EndMoneyBail #FreeBlackMamas

Like · Comment · 9 minutes ago · 🌐

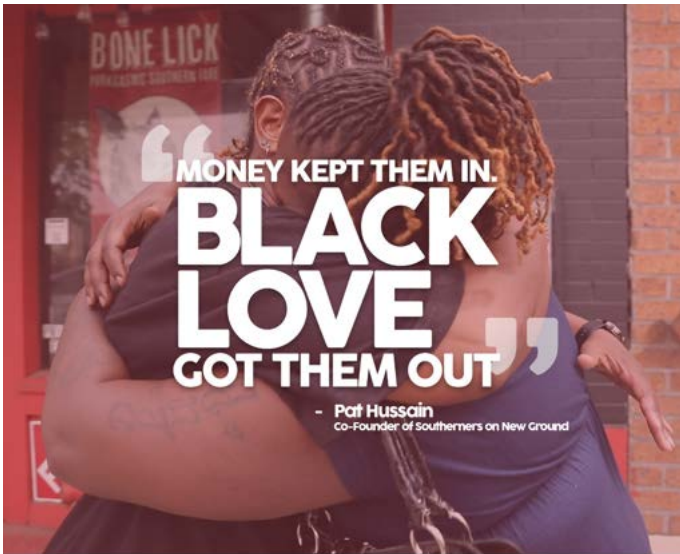
👍 100 people like this.



Write a comment ...

COMMUNICATIONS

Graphic Shareables



NATIONAL BAIL OUT

**#ENDMONEYBAIL
NOMOREMONEYBAIL.ORG**



NATIONAL BAIL OUT

**#ENDMONEYBAIL
NOMOREMONEYBAIL.ORG**

BLACK LOVE BAIL OUT



COMMUNICATIONS

Media

Successfully interacting with the media is a great way to raise awareness, gain public support, and fundraise. There are a number of ways you may interact with the media, ranging from sending out press releases to writing op-eds or doing interviews. No matter how you choose to engage the media, it is important to be prepared, have a clear and concise message, be confident, and remember who your audience is. Keep in mind that it is always important to do research on your local bail conditions and tailor your messaging accordingly.

Some suggested ways to get media attention include:

- Put together a media list.
- Send out a press release announcing the bail out action (sample press releases are in the appendix).
- Set up interviews with the local news media.
- Attend community events and announce the action.
- Pass out flyers at local barbershops and beauty shops.
- Pass out flyers and connect with folks in your hood.
- Do some political education.
- Host a twitter power hour to talk about the human and financial cost of money bail.
- Read and share the Transformative Bail Reform: A Popular Education Curriculum, created by organizations in our collective including Color of Change, Movement for Black Lives, Law for Black Lives, Brooklyn Community Bail Fund, Project NIA, and Southerners on New Ground.



COMMUNICATIONS

Best Practices for Media Engagement:

We want to thank the Black Lives Matter Network for sharing these with us.

An interview is not a conversation:

- Come with your own agenda
- Be prepared to get your message in there
- Do not wait to be asked—repeat your message and come back to it
- Use the opportunity to promote your work
- Use your answers to steer the conversation where you want it to go

How to think about messaging:

DO:

- Inspire interest
- Invite people in
- Make a connection
- Gear up for more information later

DO NOT:

- Explain process
- Convey complicated or nuanced ideas

During the Interview:

DO:

- Make the most important points first
- Keep answers short
- Stick to sound bites and repeat them
- Use stories
- Make it personal

COMMUNICATIONS

DO NOT

- Use jargon
- Speak “off the record”
- Nod yes to show you understand a question
- Lie or exaggerate
- Say “no comment”

How to control the Interview:

- Flagging to emphasize your message (e.g. “If there is one thing you should know” or “the most important thing is” or “Here’s the bottom line...”)
- Bridging to get back to your message (e.g. “the real issue here is” or “to me, the real question is” or “that question reminds me of a story about...”)
- Reframing to move questions back into your frame (i.e take the kernel of the question and use it to share your messages, take the challenge of the question on but shift it to your messaging frame)

Interview Tips

- Be energetic and personable
- Prepare!
- Have sound bites or key quotes you want to emphasize
- Use words to create an image or paint a picture of your story
- Be authentic and comfortable in yourself and what you are bringing
- Focus messaging around stories
- Repeat the message a few times

FUNDRAISING

“

ONE OF THE MOST EXCITING PARTS OF THE BAIL OUTS IS HOW OUR PEOPLE HAVE SHOWN UP. OVER 15,000 PEOPLE GAVE. THEIR SUPPORT MAKES IT CLEAR THAT OUR COMMUNITIES ARE READY TO END MONEY BAIL.

-ENCHANTA JACKSON

”

In order for the bail out day to be a success, we need to raise lots of money to bail folks out. Fundraising is also a way to engage people in the fight to end money bail and make them feel invested. Here are some creative ways you can help raise money to bail folks out in your city or in participating cities across the country. If you are part of national efforts or want to support the National Bail Outs share this link:<https://brooklynbailfund.org/donate/national-bail-out>. Otherwise, you should set up your own fundraising link for people to give to.

There are a number of ways groups across the country have raised money and built community. Some of those ideas include:



FUNDRAISING

Digital Fundraising

Digital fundraising is when a person or organization uses social media platforms such as Facebook, Twitter, email, etc to raise money for their initiative. Below are a few tips to launching your digital fundraising campaign:

- Set a goal amount
- Create a donation landing page
- Send an email asking your network, family, friends, or members of your organization to donate
- Always explain how the money will be used
- Mention your followers in your post, especially those that are abolitionist or are passionate about criminal justice reform

When executing a successful digital fundraising campaign, you also want to make sure you use a platform that does not limit/ban fundraising for bail, has integrity, and does not have a lot of hidden fees. Many of our folks have used urban fundr. If you use other sites you should make sure that you will be able to get your money out in a timely fashion and that they do not have any rules against fundraising for bail.

Other Fundraising Tactics

Phone Banking - Phone banking is when a person or group of people solicit others in their community by calling them and engaging in phone conversation. People often phone bank to increase awareness about a particular issue or get people to donate, attend an event, or support a candidate. The main principles of executing a bail out day phone bank include:

- Making a list of all the people you want to contact and putting those names in a spreadsheet or easy to read format that allows callers to easily identify the person's name and phone number.
- Create a script that includes a donation ask and talking points with details regarding your bail out day.
- Start calling and make sure people write down the responses to each person they called.
- You can phone bank by yourself or with a group of people, the more the merrier. Here's a fundraiser training video from a BYP100.

FUNDRAISING

Street canvassing - Canvassing is a great way to get the word out about your bail out day, raise money, and introduce people to your community group or organization. The act of canvassing involves a person or group of people soliciting others by approaching them in-person and engaging in conversation. Canvassing can be done door-to-door or in public spaces such as outside of a grocery store, park, or transportation center. People often canvass to increase awareness about a particular issue or to get people to do things such as donate, attend an event, or sign a petition or pledge. Some great locations to canvass for your bail out day include outside of local bodegas, convenience stores, grocery stores, train or subway stations, children's clothing or toy stores, the mall, or any other locations you think Black people and those who care about Black people frequent.

Donation boxes - Reach out to local small business owners to let them know about your bail out day, get their support, and ask to put a donation box and some handouts in their store for a week leading up to your bail out day. Putting a donation box at local businesses will help you reach more people even when you're not physically present. Some good places to start engaging owners include your local bodega or coffee shop.

Teach-ins - Use this Transformative Bail Curriculum to host a community conversation on bail and its impact. Invite people who you think should be a part of the conversation: formerly incarcerated people and their families, young people, queer and trans people, elected officials and other public employees, activists, organizers, family, friends, coworkers, neighbors, etc. After the conversation, tell the group about your bail out day. You should also ask folks to sign-up to help send emails or text messages, and canvass with you to bring awareness to your bail out as well as raise money to bail folks out. Before closing the teach-in, pass around a collection basket and ask for donations. Through doing this you're educating and learning with people who should be a part of the solution, you're building organizing power, and you're raising money to bail out Black folks!

Throw a house party, informal concert or cookout - For some tips on how to throw a house party check out Southerners on New Ground House Party Toolkit (also in the appendix)

Connect with local churches - See if you can ask them to pass the basket to help us bail out our people who are locked in cages.

Other Ideas

- Send personal emails and text messages asking for donations (see appendix for examples).
- Send letters to businesses asking for donations.
- One group hosted a 12-hour facebook live telethon and invited community entertainers to fill every hour. Throughout the broadcast they asked viewers to give and raised close to \$15,000.
- Groups emphasized that it was important to elevate folks who gave on facebook and other public forums to encourage others to give.

FUNDRAISING



Solicitation Language

The language you use in asking for funds dictates how you can spend the money. If you just talk about raising money for bail in your solicitation language you may be legally limited to just using the money for bail. However, if you ask for funds to support the work you are doing and the people you are bailing out you will have more flexibility. Here is some sample language that will allow you to use the money you raise for bail as well as continuing organizing efforts and supportive services.

Organizing groups across the country will be bailing community members out of local jails and immigration detention centers so they can be with their families. Groups will also be holding events to share the devastating impact of money bail and incarceration on our communities. Contributions will be used to bail out community members who are incarcerated and support continuing on-the-ground organizing for participating grassroots organizations. Please donate here: (LINK TO LOCAL FUNDRAISER OR NATIONAL FUNDRAISER <https://brooklynbailfund.org/donate/national-bail-out>)

**IN THE TRADITION OF OUR
ENSLAVED BLACK
ANCESTORS, WHO USED
THEIR COLLECTIVE
RESOURCES TO PURCHASE
EACH OTHER'S FREEDOM
BEFORE SLAVERY WAS
ABOLISHED, UNTIL WE
ABOLISH BAIL AND MASS
INCARCERATION, WE WILL
FREE OURSELVES.**

AFTER YOU POST BAIL: REFLECTIONS

By: Erica Perry, Black Lives Matter Memphis/Law for Black Lives

National Mama's Bail Out Day was an opportunity to launch our bail reform campaign, get our people out of jail, and increase awareness about the cost of money bail.

This gave us the chance to learn more about the bail out process and money bail's role in mass incarceration. We also confirmed for ourselves and our community the human cost of bail; how it separates families; the way it exacerbates mental health issues; and that it forces people to plead guilty to crimes they otherwise may not have plead to if they hadn't been locked away in pretrial detention.

The Bail Out also gave us an opportunity to model our vision for a world without pretrial detention and bail. That process affirmed our belief that jails can only further harm our people, that they do not function to hold our people accountable, and cannot offer our people the support they need. When our people are most vulnerable the system would rather throw them in a cage than make sure they have the support they need. We discovered that it is the responsibility of community members like us to support our people and give them the resources they need to survive.

While looking for people to bail out we found community members in jail for traffic violations with a \$21,000 bail and people in jail for solicitation with an \$8,000 bail. When we went to community members to find trans women to bail out we discovered that we were too late because many of them, housed in men's jail and unable to afford their freedom, had taken a plea deal to avoid spending more time in county jail. While court watching to find mamas to bail out we discovered that there are a number of people who sit in jail without the money to pay bail and without a lawyer to request a bail hearing to reduce the bail. People can sit in jail for two or three weeks waiting for their family to find enough money to pay bail or waiting for the court to appoint an attorney to request a bail hearing or move the case forward.

Many of the mamas we bailed out were in jail for weeks before we paid their bail and would have remained there until they raised enough money to pay their bail or their cases were resolved. The mamas we bailed out needed housing support, job support, domestic violence support and/or mental health services. We made it a priority to have a social worker or other support service provider on our team and because of that we were able to connect these

AFTER YOU POST BAIL: REFLECTIONS

women with supportive services. The National Bail Out Collective's commitment to supportive services ensured that we were able to reunite mama's with children who had been in foster care, find them job training, and provide them with stable housing.

Our work was not done once we bailed the Mama's out. We provided supportive services to the mamas we bailed out from May until August and continued to track their cases until the court resolved them. Each of our team members committed to staying in touch with one of the mamas we bailed out, making sure they knew when their court date was, checking to see if they needed any support, and persuading their attorneys to follow up on their cases when necessary. In some cases the state dropped charges against the mamas within a week of their bail out. With others, it took months. Women and their families were forced to go to court almost every other week, disrupting their schedules and time with family.

If the mama went to each court appearance without issue the money we used to bail them out was returned to us. However, the court took out court fees so even cases where the money was returned back to us we did not receive the total amount of money we used to pay the bail. The court refused to return the money put up for bail in cases where the mamas did not go to court even once or were late. In a more drastic and unjust case, the court refused to return the fund when the mama we bailed out arrived to court late after going to the doctor. This was just one example of the criminal justice system's inhumane and unjust treatment of black women. Because of these incidents and others like them, we were able to get a little less than half of the money we put up for the Mama's Bail Out back.

Many of the organizers on our team had previous interactions with the criminal justice system and knew firsthand how dehumanizing and unethical pretrial detention and the criminal justice system is to our minds and spirit. However, none of us were prepared for the emotional and physical labor of trying to find emergency supportive services for mamas thrown away by our city or the horror of seeing people with mental and physical disabilities disposed of in jails because the city lacked the humanity and infrastructure necessary to support these community members. But through the Black Mama's Bail Out we experimented with working with social workers with radical politics to offer supportive services, offering community support to people in crisis after the state has determined that they were disposable, and using our collective time and money to free our people from cages

**NOW WE ARE WORKING
HARD TO HELP OUR PEOPLE
GET BACK ON THEIR FEET.
BECAUSE OUR CITIES AND
STATES INVEST IN JAILS
AND CAGES INSTEAD OF
SERVICES OR SUPPORT
MANY OUR PEOPLE DO NOT
HAVE THE BASIC
RESOURCES THEY NEED TO
TAKE CARE OF THEMSELVES
OR THEIR FAMILIES.**

BEYOND BAIL OUTS: NEXT STEPS TO END PRETRIAL DETENTION

“

OUR BAIL OUT ACTIONS ARE WHERE SYSTEMIC ADVOCACY MEETS ALTERNATIVES CREATION. BLACK WOMEN AND COMMUNITIES HAVE SPARKED A LIBERATION MOVEMENT WE CAN ALL JOIN: ENDING A SYSTEM THAT HARMS OUR PEOPLE AND REPLACING IT WITH SYSTEM THAT HOLDS OUR PEOPLE

-GINA CLAYTON

”



We are in the middle of an exciting time where there is increasing attention on the need to end money bail and pretrial detention. Change is happening because of decades of work by organizers and advocates, as well as because of increased collaboration across multiple strategic interventions. This has included organizing on the local level to introduce and pass new ordinances to end money bail; documenting and bringing transparency to newly implemented policies to ensure that they are truly decreasing pretrial detention; litigating to overturn state and local bail laws; putting pressure on district attorneys and judges whose discretion is at the root of the bail system; and most importantly, bringing the voices and expertise of those who have been directly impacted by the criminal legal system to the forefront to drive a process for the creation of new system.

BEYOND BAIL OUTS: NEXT STEPS TO END PRETRIAL DETENTION

Policy: Targets, Threats & Best Practices

This section will examine possible local and state targets for bail reform, detail some of the policy priorities we co-created with the Movement for Black Lives Policy Table and identify some threats we see in proposed reforms

How Does Bail Reform Happen?

Bail laws and regulations vary between different jurisdictions. While reform can always happen at the state level, without looking into your city or county it is difficult to know who the best targets for bail reform are.

It is important to think about money bail holistically. We consider any reform that keeps people out of jail and/or away from the court system as deeply related to ending money bail. This includes policies that implement pre-arrest diversion programs, decriminalize low level offenses, fund community based alternatives and/or fund supportive services. All of these policies reduce the reliance on bail.

This section presents a general summary of possible targets for bail reform, but in order to determine the target in your city or county you will need to conduct your own research. If you have questions about possible research questions or would like to see if we can provide you with research support please email info@law4blacklives.org

Local - There are a variety of ways that you can reduce the use money bail at the local level. In some places the city council, executives or county legislative body can end or reduce the use of money bail for local or municipal offenses. City councils or county commissions can also often implement pre-arrest diversion programs that reduce the number of people going through the courts. They also can decriminalize low-level municipal offenses, again reducing the number of people who have to go through the system. While this is not directly related to money bail, we understand decriminalization, pretrial diversion and supportive services as key to any bail reform, because it means less people are in a position where they might have to pay bail. City councils and county legislators often also have influence over the budget so they can decrease funding to the court or the jails and reallocate those resources to supportive services.

In other jurisdictions chief judges or magistrates have a lot of power over how much bail is set for and how often it is set. Chief Judges may be able to issue a rule change, or initiative a vote, that alters the commonly used bail schedule to reduce reliance on money bail. Chief Judges may also be able to incentivize the use of other forms of bail through a rule change making the use of money bail onerous (through additional paperwork, etc) and making the use of alternatives forms of bail easier.

BEYOND BAIL OUTS: NEXT STEPS TO END PRETRIAL DETENTION

State - States have a lot more control over bail than cities or counties. They can end or limit money bail, pass decriminalization statutes and mandate cite and release programs to reduce number of people coming into system, create framework for and fund pretrial services, ban for-profit bail bonds, and fund public defense offices. States also have more money so they have considerable budgetary power to authorize the reallocation of state monies towards supportive services or infrastructure. However, depending on what state you are in comprehensive bail reform may require a constitutional change (such as in New Jersey) versus just a statutory change. Also, depending on what state you are in, the substantive rules of bail may appear in the statutory code, the rules of criminal procedure, court rules, or scattered throughout the code.

Federal - Bail is mostly determined by local and state law except for Constitutional limitations on the use of bail such as the Fourth Amendment, which protects against unreasonable seizures, and the Eighth Amendment, which protects against “excessive bail.” However, the federal government can incentivize the end of money bail by withholding federal funds to courts and law enforcement agencies in jurisdictions that continue to use money bail.

Policy: Bail Reform Principles and Threats

Bail reform is happening across the country at the local and state level. There are exciting possibilities across the country to greatly reduce the use of money bail. However, there is also a growing threat that bail reforms will create false and racially discriminatory binaries about who is deserving of freedom (often based off of charges that get dropped and nearly always reduced), use “risk” assessment tools that do not include community consultation and recreate racial bias, and will increase surveillance and profiteering inside of our system. In light of both the possibility of meaningful bail reform and concerns about the threat of regressive policies, the National Bail Out Collective along with the Movement for Black Lives Policy Table created a set of policy priorities to help guide ongoing bail work and support people in clearly articulating what they are for. We also created a list of common threats to meaningful bail reform, meant to help organizers articulate what they are against. We also have included a checklist of questions that may help you decided whether you support a specific policy.

Movement for Black Lives Bail Policy Priorities:

We are seeking to support and develop policies that:

1. Significantly decrease the number of people incarcerated pretrial and reduce current racial disparities;
2. Reallocate savings from pretrial incarceration to community based services that are located in, coordinated by, and accountable to impacted communities;
3. Provide the space and resources for communities to create and implement needs assessment tools (as opposed to risk assessment), with accompanying budgetary shifts to community-based providers of needed services and do so without turning community organizations into enforcers of burdensome and unnecessary legal restrictions or collectors of intrusive data for the court.

BEYOND BAIL OUTS: NEXT STEPS TO END PRETRIAL DETENTION

4. Ensure people are subjected to the least restrictive conditions possible that do not include surveillance, house arrest or monitoring and instead increase focus on non-invasive effective interventions including transit assistance, reminder calls and texts, childcare and mandates to employers;
5. Include ability-to-pay assessments that are given in a timely manner and take into account the real needs of families. Financial obligations should only be incurred if the court finds that such an obligation does not present a substantial hardship to the accused or their family. Ability-to-pay assessments must be clearly articulated, not overly discretionary, and enforced;
6. Have clear enforcement mechanisms that include data collection, public posting of all rules, and changes in plain language and transparency requirements;
7. Do not undermine due process or increase the likelihood of incarceration for people accused of “violent” offenses and do not determine release predominantly through discretionary police or prosecutorial charging decisions;
8. Result in speedy release (less than 24 hours);
9. Do not increase people’s likelihood for ICE detection, detention or deportation;
10. Reduce and ultimately end profiteering in pretrial settings;
11. Include or accompany comprehensive pretrial reforms including: ensuring the right to a speedy trial, the right to counsel at first appearances, conditions improvements for anyone who is detained and decriminalization

Threats to meaningful reform: We are concerned about reforms that include any of the following components, we fear that policies that include these components may serve to re-entrench dangerous parts of the current system or reform the system in ways that will continue to be harmful to our communities

1. Privatization of pretrial “services” or monitoring;
2. Extension and funding of pretrial “services” that are punitive, invasive and not community-based and/or located in sheriff or prosecutors offices;
3. Expansion of surveillance, and specifically expanded use of home arrest/electronic monitoring;
4. Risk Assessments that legitimize and re-entrench current racial disparities without transparency, community input mechanisms, or regular impact analyses demonstrating that the tool actually results in de-incarceration;

BEYOND BAIL OUTS: NEXT STEPS TO END PRETRIAL DETENTION

5. Use of risk assessment tools in a way that increases the amount of time people are incarcerated before release or results in people currently eligible for release being detained or subject to onerous pretrial supervision or monitoring.;
6. User fees and other costs paid by accused people or their loved ones;
7. Fees and fines that delay people's release or limit their ability to access pretrial diversion or other services;
8. An emphasis on charge-based eligibility that gives prosecutors more power to limit release through upcharging without any accountability or tracking of the practice;
9. Additional charges, fees/fines, or harsher sentences after conviction as a result of accusation of non-compliance under pretrial supervision/monitoring;
10. Policy resulting from backroom negotiations by institutional actors and/or legal organizations without the engagement and leadership of community organizations and impacted community member

Questions you should be asking about proposed bail reform:

- To ensure proposed bail reforms are in line with your principles here are some helpful questions to ask (derived from the organization Critical Resistance).
- Would this reform result in less people being incarcerated?
- Does this reform make it harder for people charged with "violent" or serious offenses to get out of jail or receive due process?
- What are ways in which the reform can have the greatest impact on those who are often times left out of these types of reforms?
- Does the reform result in increased funding for police, courts or local jails?
- Does the reform increase the discretion of police? Prosecutors? Private companies? Non-profits who are not accountable to community?
- Does the reform result in any increase in power or resources to communities most impacted by bail?
- Does the reform create new mechanisms of state control (e.g. surveillance)?

BEYOND BAIL OUTS: NEXT STEPS TO END PRETRIAL DETENTION

Advocacy Next Steps

There are a variety of ways to engage and advocate elected officials and decision makers around bail. Many of our groups scheduled one-on-one meetings to share their priorities with local elected and appointed officials. Others went to scheduled public meetings to advocate for meaningful bail reform. Others used petitions to make demands of political targets. Across the country, groups are applying pressure to district attorneys and judges in different ways to highlight the injustices of money bail and the role of those with decision-making power in the system.

We've provided information on two tactics that folks are using to engage with decision makers around bail - petitions and court watching.

Petitions

Petitions allow you to make a showing of strength, based on how many folks you can get to sign them. Below, please find how you can start and run a digital campaign as well as some examples of end money bail petitions.

VIDEO: How to start and run an effective digital campaign
How to create an online petition:

TYPE www.OrganizeFor.org into your web browser

CLICK THE "START A PETITION" BUTTON and enter the following details:

- Title - Engage your audience with a title that let's folks know what's going down
- Decision Maker - Name who's responsible for solving the problem
- Demand - Explain what the decision maker can do immediately to solve the problem
- Share your story - Spill the tea and tell folks why they should take action with you

ENTER YOUR INFO

- Complete the personal information section so that we can reach out to you to strategize about how you can win your campaign.

COLLECT SIGNATURES

- Share your petition with your community, ally organization, friends, and family on social media and ask people to sign.
- Sample petition language is below.
- For more details and FAQs on creating a petition click "HOW TO CAMPAIGN" in the top navigation bar on www.OrganizeFor.org

BEYOND BAIL OUTS: NEXT STEPS TO END PRETRIAL DETENTION

SAMPLE PETITION LETTER LANGUAGE

Dear District Attorney {FIRST NAME, LAST NAME},

The bail industry is a multi-billion dollar industry that makes its fortune from folks being too poor to afford bail. Thousands of unconvicted people languish in jail just because they can't afford their freedom. I demand you take these four actions to counter the profiteering bail bond industry and drive down mass incarceration rates:

1. Make a strong commitment to support statewide bail reform.
2. Do not take funding from the bail industry.
3. Give back the money you've received from the bail industry.
3. Make a commitment to lower the pre-trial jail population by decreasing the number of people given a cash bail.

Please be on the right side of history and work with me and other concerned community members to create a more fair criminal justice system.

Thank you,

{NAME}

**WE ARE WORKING TO
END SYSTEMS OF MASS
INCARCERATION AND
SUPPORT OUR
COMMUNITIES. WE ARE
QUEER, TRANS, YOUNG,
ELDER, AND IMMIGRANT.**

SOLIDARITY ACTIONS

Bail outs are a tactic. We believe for them to be successful they must be part of a larger campaign to inform, advocate and organize. With organizing comes more people power and the ability to demand and implement what you want. Bail outs are an opportunity to build with folks who are directly impacted and their families as well as to engage our wider community in this issue.

Solidarity actions are a way to get more folks involved and it is a way for folks who may not have the capacity to do a bailout to support and join the fight to abolish money bail. Below you will find eleven ideas developed by Southerners on New Ground to get you started. Do what you know best to get people pumped in your town!



SOLIDARITY ACTIONS

Host a teach-in

If you are interested in hosting a teach-in or other educational event about the impact of money bail check out the Transformative Bail Reform: A Popular Education Curriculum created by organizations in the Movement for Black Lives cosmos for a sample agenda and activities!

Make it rain with a fundraiser house party

Help fund the bail outs with a house party, fish fry, or signal boost to raise coins. Check out SONG's house party toolkit here.

Street Outreach

Make a quick flyer and pass it out in front of the jail or courthouse.

Throw a block party

Get together some goodie bags, gift certificates for healing services, food & drinks, sidewalk chalk and bubbles, pop up a tent & throw an impromptu block party to celebrate Black families!

Offer gifts to black folks you bail out

Ask the service and goods providers you know to gift a free vouchers for their services (for massages, beauty products, counseling, fresh baked bread from a bakery, flower bouquets from a florist, etc.). Post up on a street corner with some beautiful signs and hand out the gift certificates to Black folks you've bailed out!

Pay a visit inside

Research when visiting hours happen at your local jail or detention center and get a crew together to visit incarcerated loved ones inside your local jail.

SOLIDARITY ACTIONS

Letter Writing Party

Write and send letters to family members and caregivers in your local jail. Check out the Critical Resistance website for more information on how to start a letter writing campaign.

Film Night

Show a film and discuss! (American Violet or MAJOR! are particular resonant for National Bail Out Day, is Kalief's Browder's film TIME).

Help out the folks you bailed out with a traveling National Bail Out Day cleaning crew or a free laundry day at the laundromat

Get your folks together with brooms and dust pans, mops, rags, and gloves and head to a local apartment or housing complex (but only if you know someone who lives there). Knock door-to-door to see if anyone wants you to clean their house, wash their dishes, take out the trash, etc. as a love offering. Or post up at the laundromat with rolls of quarters and offer to get folks washer and dryers. It's a great place to do outreach while y'all are waiting / cleaning / folding. Talk to folks about their experiences!

Talk back with a radio call in party

Check out tips and tricks for getting on the radio in support of Black mamas and how to start a conversation about ending money bail in your community, plus other talking points, in the National Bail Out Day Organizing and Comms Toolkit

Take action locally to end money bail

Take action locally to end money bail by visiting our "Take Action" page at nomoremoneybail.org.

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SAMPLE EMAIL

SAMPLE EMAIL FROM SONG TO INVITE OTHER GROUPS INTO BAIL OUT COALITION

Beloveds,

I hope this email finds you well. It is with so much enthusiasm that I write to you all to engage in a dynamic experiment that we over here at SONG have been scheming and dreaming about and now are making moves to make our vision a reality. This year on Mother's Day, we are calling for mass bail outs of Black Mamas in jails and detention centers. We have been sharing this idea with other folks and now it has become a national day of action! There are about 12 organizations that are wanting to make this happen across the country! We'd like to try it, document it, and replicate the action at other times throughout the year (i.e. Stonewall, Juneteenth, July 4th, etc...) where capacity and resources allow.

With that being said we want to formally invite you to be a part of the (ATLANTA) committee here, to work with our members and (BLM) who are taking point on coordinating the committees listed below, and each other to make this vision possible for Black Mamas in ATL!! We have been doing some research and action planning to figure out how this will play out. The month of April will be filled with fundraising and planning. On May 11th, we would begin bailing folks out of Rice St. On May 12th we would do the bail out folks that are being held in the Peachtree jail. On May 14th (actual mother's day) we will have a community brunch/dinner and program to invite the Mamas and their families and community members. This would be an opportunity to love up on each other, share testimonies, singing, and political education, hopefully creating an entry point into organizing!!!

I'm calling on you all because of your commitment to fight like hell for Black life!! This is going to be a big undertaking and we need all hands on deck!! We need folks to sign up for sub-committees that will help us to organize ourselves and move the work:

1. Fundraising/Donations: Though there will be national efforts to fundraise, it is important that we do grassroots fundraising at the local level, in order for our folks to know that their community helped get them out and for our community to be able to contribute to the buying of each other's freedom, like our folks have done in the past. This could like tapping your individual networks, asking churches to raise special offerings, doing street fundraising, host a house party, putting out a donation buck at your org, etc!! We haven't determined a fundraising goal yet, but our member crew will be doing so this evening at our meeting.

Donations we would need (marta cards, food/snacks for the bail out day and mama's day, gifts to give out to the mamas, t-shirts or poster to commemorate the day, stickers, etc...)

2. Bail Out Squad: This crew would finalize the "Day of" plan, which would include going

APPENDIX

SAMPLE EMAIL

to pay the bail and or bonds (we may use a bonding company for the bail amounts that are higher in order to get out more folks), establishing crews to be at the jails to welcome folks as they walk out of jail, providing folks with support getting home, giving them flowers, charging their phone, or what have you!

3. Mama's Day Celebration: This visionary crew would be finalizing the logistics and program for the day! This would include finalizing an outdoor location to hold the brunch/dinner, securing food donations, chairs, tables, sound system, coordinating the volunteers, and planning the program

4. Communications/Follow-Up Crew: This crew would help establish a phone tree that we can implement to help folks get to their court date. In order for us to be able to do this action again, being able to get the bail returned is going to be crucial. This would also include connecting folks to other resources in the community (legal support, counseling, food banks, etc..) if needed. At the very least be able to have an informational flier with available resources.

5. Outreach/Research: This crew will be holding down the key questions we have to make sure we have all of our ducks in a row. They will also be doing outreach to get volunteers and get the word out to community members and groups and gain support.

6. Direct Services/Resources: This crew will be helping to ensure the women that get out get connected to the resources that they need to get their lives back on track!

We will have an in-person meeting on Sunday, April 2nd from 5:30pm - 6:30pm at the SONG house (580 Holderness St. SW, Atlanta, GA 30310). We will also hold a call for folks unable to attend on Monday, April 3rd from 5:00pm - 6:00pm. We will discuss what it means for you and or your organization to sponsor/support the event. Let me know if you are on deck to be apart of the ATL Committee and if you can be at the Sunday meeting or on the Monday call.

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SOLICITATION EMAIL

THIS IS A SAMPLE EMAIL YOU CAN SHARE WITH YOUR LISTSERVS, FUNDERS OR NETWORK.

Hello _____,

Without our support, this mother's day, many mothers could be languishing in cages, separated from their families and loved ones simply because they cannot afford bail! Join us in bailing out as many mothers as we can the week before Mother's Day.

(Organizational Name) is working with nearly two dozen local and national groups to bail out our mothers so they can spend the Mother's Day with their families. We will support Black birth mothers, trans mothers, and other women who mother and are entangled in the criminal legal system.

When our mothers are locked in cages, our families and communities suffer. Even a few days in jail can have devastating impacts. Mothers lose their jobs, housing, and their children simply because they cannot afford the exorbitant costs of bail. For all of our mothers and our trans mothers specifically, nearly forty percent of whom are sexual assault while incarcerated, a few days behind bars can result in irreparable physical and emotional harm

This Mother's Day, we are raising money to bring our Mamas home. The Mama's Bail Out Day is rooted in the tradition of our enslaved ancestors who went to every length, including harnessing their collective resources, to purchase each other's freedom and keep their families together. This year, we are taking a stand against a money bail system that tears our families and punishes our Mothers for being poor.

For more information check out the website: <http://nomoremoneybail.org>

To donate to Mama's Bail Out: <https://brooklynbailfund.org/donate/national-bail-out>

Sincerely,

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EMAIL TO LAWYERS

EMAIL TO LAWYERS TO HELP IDENTIFY POSSIBLE FOLKS TO BAIL OUT

Hello,

We hope this finds you well. We are writing to ask for your support in an action we are organizing for Mother's Day. (Organizational name) is working with nearly two dozen local and national groups across the country to come together for the first ever National Mamas Bail Out Day. As part of the action we want to bail out as many mothers as possible the week before Mother's Day.

We are in the process of raising funds but will have at least (\$25,000) to bail out Mothers on (May 11th or May 12th). We are specifically looking for (Trans, Queer) women and women accused of (type of offenses you are interested in highlighting).

We are writing to see if you would be willing to support the action by helping us identify possible women who we can bail out.

Do you have any clients who is in jail simply because she cannot afford to pay bail; who identify as Black woman or as Black trans woman; who is a mother, grandmother or caretaker of children in her family?

If you have any clients who meet this criteria and are interested in supporting the Mama's Bail Out Day please contact us (insert contact info).

Thank you,

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LOCAL BUSINESS EMAIL

SOLICITATION EMAILS FOR LOCAL BUSINESS

Hello,

(Organizational Name) is working with nearly two dozen local and national groups across the country to come together for the first ever National Mamas Bail Out Day. This historic event will bail out Black mothers so they can be reunited with their families and communities for Mother's Day.

The Mama's Bail Out Day is rooted in the tradition of our enslaved ancestors who went to every length, including harnessing their collective resources, to purchase each other's freedom and keep their families together. This year we are taking a stand against a money bail system that tears our families and punishes our Mothers for being poor.

In (City Name) we are trying to bail out (Number of mothers you want to bail out) mothers the week before Mother's Day. Many of these women have spent the last few days or even weeks in cages, away from their families and communities. We want to make sure they are welcomed home warmly and feel supported by their community.

As part of their homecoming we are asking local business to support our mothers when they come home by offering gift certificates or free services. Would you be willing to provide some returning mothers a gift?

If you are interested in being part of Mama's Bail Out Day please contact (____).

For more information check out the website: <http://nomoremoneybail.org>

To donate to Mama's Bail Out: <https://brooklynbailfund.org/donate/national-bail-out>

Sincerely,

APPENDIX

SOCIAL SERVICES EMAIL

SAMPLE EMAIL TO SOCIAL SERVICES

Hello,

I hope this finds you well. My name is (Name) and I work with (Organization Name). We are writing to see if you would be willing to offer your expertise and resources to support us in bailing out our community members. On (Date) in celebration of (Framing/Holiday) we will be bailing out community members from of our local jail. We know that when people are released from jail they acute housing, mental health, employment and legal needs. We want to make sure that we can connect them to the resources they need. We were hopeful that your organization (that specializes in...) would help us help members of our community who are in need.

As you know a majority of people caged in local jails have not been convicted of a crime. They are simply there because they cannot pay. Our Bail Out Day is rooted in the tradition of our enslaved ancestors who went to every length, including harnessing their collective resources, to purchase each other's freedom and keep their families together. This year we are taking a stand against a money bail system that tears our families and punishes our people for being poor.

We are writing you to see if you would be willing to offer your (type of services) to the people we bail out. If you are willing to help please email or call (name/contact).

Also, if know some folks with expertise in case work, social work, mental health, housing, job training/placement, benefit or other needed re-entry services please share this email with them.

For more information check out the website: (Local facebook/website link or national if national action <http://nomoremoneybail.org>)

To donate to Mama's Bail Out: (Local link or national <https://brooklynbailfund.org/donate/national-bail-out>)

Sincerely,

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INDIVIDUAL FUNDERS EMAIL

THIS IS A SAMPLE EMAIL YOU CAN USE WITH LARGE INDIVIDUAL DONORS WHO YOU THINK MAY BE INTERESTED IN DONATING \$5,000 OR MORE.

SEE: [HTTPS://DOCS.GOOGLE.COM/DOCUMENT/D/1EPV2XHE4MQ-LOK4SLNACZRAAQ-DT9ZOUg-KE8YB2XG/EDIT?USP=SHARING](https://docs.google.com/document/d/1EPV2XHE4MQ-LOK4SLNACZRAAQ-DT9ZOUg-KE8YB2XG/EDIT?USP=SHARING)

Hello _____,

(Organizational Name) is working with nearly two dozen local and national groups across the country to come together for the National Bail Out Day. This historic event will bail out Black folks so they can be reunited with their families and communities for [holiday]. We will free our mothers fathers, sisters, brothers, siblings and other loved ones who support families and communities from the criminal legal system. Together we are working to dismantle the inhumane cash bail system. We need your support to reunite as many family members as possible with their loved ones.

The National Bail Out Day is rooted in the tradition of our enslaved ancestors who went to every length, including harnessing their collective resources, to purchase each other's freedom and keep their families together. This year we are taking a stand against a money bail system that tears our families apart and punishes our people for being poor.

[Since 1980 the number of women who are incarcerated has grown by 700%. Black women are more than twice as likely to be incarcerated. More than two thirds of incarcerated women are mothers and nearly half are in local jails, locked in cages for crimes they have not been convicted of. Most of the women in jail are accused of minor drug and 'quality of life' offenses and are languishing in cells simply because they cannot afford to pay bail.]

When our loved ones are incarcerated our families and communities suffer. Even a few days in jail can have devastating impacts. Parents lose their jobs, housing, and their children simply because they cannot afford the exorbitant costs of bail. We are asking you to join us by donating to The National Bail Out Day fund and bring our loved ones home.

We appreciate any support you can offer. For those able to give a gift of more than \$5,000 we will recognize your generosity on the website. We invite you to donate at:

Harriet Tubman Level- \$25,000

A donation of \$25,000 can help us bail out a mother accused of a low level felony, such as drug possession.

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INDIVIDUAL FUNDERS EMAIL

Sojourner Truth Level- \$10,000

A donation of \$10,000 can help us bail out a mother who is being detained on an immigration bond.

Ida B. Wells Level- \$5,000

A donation of \$5,000 can help us bail out a mother accused of a misdemeanor such as petty theft.

For more information check out the website: <http://nomoremoneybail.org>

Donate to the National Bail Out: <https://brooklynbailfund.org/donate/national-bail-out>

Brooklyn Community Bail Fund is the key fiscal sponsor of the National Bail Out Day. The Brooklyn Community Bail Fund is a registered 501(c)(3) nonprofit and contributions are tax-deductible to the extent permitted by law. EIN 90-1014588. Your contributions will be distributed across the participating base-building organizations to cover the cost of the bail out and to further their campaign work.

Contributions by check for the National Bail Out Day should be made out to the Brooklyn Community Bail Fund with "National Bail Out Day" in the Memo section.

Brooklyn Community Bail Fund
195 Montague Street, 14th Floor
Brooklyn, NY 11201

Sincerely,

APPENDIX

CONSENT SCRIPT

Hello,

I'm name from organizational name, and I'm here to talk to you about an event we're a part of called National Mama's Bail Out Day. The purpose of this event is to bail out Black mothers and caregivers such as yourself, to offer the opportunity for you'll to spend Mother's Day with your families, while highlighting the harmful impact that money bail has on our families and communities.

I came here to speak with you to see if you would be interested in being bailed out as part of this event. If you do decide to be bailed out, we are not requiring you to participate in any mandatory programs- but are asking that you make it to your court dates. If you need help with transportation, we're providing list transportation resources along with these other resources list additional resources to possibly assist you. Are you interested in being bailed out? [If yes, follow script. If no, thank her for her time and ask if/ how you can possibly support her.]

What other resources that we offer, are you interested in? Are there other ways that we can best support you as you transition back into your community?

As part of National Mama's Bail Out Day, we're also holding a homecoming event to welcome y'all home. This event will consist of provide details of your homecoming event. We invite you to participate in the homecoming, but again this is optional. If you do choose to participate, please feel free to also invite your friends and family to welcome you home. Is this something that you would like to participate in? There may also be press there covering the event and you are not obligated to share your story, but if you're interested, you can let me know now or during a later time.

We will be bailing you out on date of bail out after which we will be holding our homecoming event. (list any more details of the bail out like time and involvement of other support groups/orgs) Do you have any questions or thoughts around this?

Thank you for being a part of this event and for giving me some of your time today. We look forward to welcoming you back home and to your community. If you have any questions or thoughts before the bail out please contact list name and contact of designated person.

Looking forward to seeing you again soon.

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SUPPORTIVE SERVICES:

SAMPLE CASE MANAGEMENT RESPONSIBILITIES:

- Centralized Documentation and paperwork on all women bailed out
Supervisor will determine best method for centralizing and tracking this information
- Case management includes:
 - Employment
 - Treatment
 - Housing
 - Mental health
 - Medical
 - Legal needs
 - Family / community support
- Track updates with the women on a weekly basis
- Create comprehensive support plan + consistent contact
- Conduct due diligence to contact all folks bailed (2-3 attempts)
- Immediate support and follow-up for women bailed out
- # of women who we didn't bail out
- Additional women we bail out
- Communicate opportunities to connect w/ other sister organizations and political work
- Ensure to best of your collective abilities to get women back to court
- Submit weekly reports to supervisor
- Meetings/Communication
 - Weekly supervision meetings or face to face or calls with supervisor
 - Bi-weekly calls with local Bail Out team
 - Monthly webinar trainings/reflections with regional reentry social service coordinator

APPENDIX

LESSONS FROM THE FIELD

SONG'S LESSONS AND BEST PRACTICES

10 LESSONS LEARNED FROM THE BLACK MAMA'S BAIL OUT ACTION

1. Putting our organizing practice into action. At SONG, our organizing practice has long been based in love, longing, and desire across class, race, gender and community. This action allowed us to demonstrate our collective belief in a shared destiny with the dreams, demands and hopes of Black women in all of our varieties at the center. Our collective cup overflowed locally and regionally with gift cards, bouquets, clothes, services offered by local practitioners, prime rib donations, gift bags, bouncy houses and volunteers, members, and supporters who showed up for 16-hour days and then came back and did so again. From the loosey cigarettes and balloons that were donated, hugs, letters and testimonies given, to even having real china plates at the Homecoming, this action moved tons of us across the South to tears over and over again.

2. Highlighting the crisis changes policy as well as hearts and minds. We knew the cash bail system was horrible and destructive based on the work of many organizations across the country over the years and our own lived experiences, but this action magnified the crisis. This resonated with Black folks across class lines. Many Black folks have experienced getting money together to get a friend or a family member out of jail. People questioned and gave us pushback as to why we were only focused on Black mamas. But we should be questioning: why are Black mamas targeted and caged at higher proportions to begin with? We saw this action as one of the many ways that a unified movement can demonstrate what it means to be pro-Black. Whether we were engaging in street outreach or talking with our neighbors and family members, everywhere we went almost everyone said YES. This created another opportunity to talk to strangers, break beyond our circles, and give people and ourselves the chance to rise to the occasion to buy each other's freedom and be invited into a longer-term fight to end cash bail.

3. Same beast and different manifestations across the Southeast. This action was a game-changing way to map, untangle, and understand the lay of the land around the courts, jails, and system of bail in our communities. SONG's weekly technical assistance calls were open regionally and nationally and allowed us collectively to learn, struggle, commiserate, and grow together. We now understand with much more depth and nuance the decision-makers, the discretion of individual judges, magistrates, and prosecutors, pressure points, and the structural barriers to changing the system. We also understand with much more depth and nuance how the system of cash bail works. While it has similar results and impacts on our communities, it varies deeply across the South. Judges have a core role in determining a person's bail and often make these determinations without consideration of folk's ability to pay. States like Arkansas have structural rules that require people to use bail bonds companies and have to put up material collateral like their homes, cars, etc.

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LESSONS FROM THE FIELD

Bonds People use their discretion and will often refuse to issue bonds when they don't think they will make any profit. The presumptions set up against granting bonds by judges in Virginia are so extreme that the organizers in Charlottesville, VA weren't able to bail anyone out. We are clearer now more than ever that the next step in our work is to abolish the system of cash bail.

4. We found allies along with enemies within the criminal legal system. The criminal legal system is an evil beast. We expected to be met with enemies that would condemn and discourage this action. But we also found that there are people working within the system who came through as tactical allies for us — from Black women working as correctional officers in the jail who helped to get in-reach forms inside to Mamas locked up, to the bonds people who joked we were going to put them out of business and bought us all lunch anyways. Wardens, jailers, public defenders, and solicitors were in SOME sites were deeply helpful, supportive and even bent and changed rules to help us. But in other places, they were completely obstructionist to the farthest extent possible. Overall and in the future, we know that tactical allies are not common and to expect pushback and hostility at all levels. We understand the personhood of the individuals that have played roles in perpetuating this system of oppression and found humanity in some. This is not about bad apples vs. a token good person. This is a reminder that we all can be transformed in the service of a larger vision, even for a day. Our next questions should be: How do we utilize these allies as we build local power to take down the cash bail system town by town?

5. Social safety net disaster. The rift between social services and grassroots organizing is immense and needs to be mended to the farthest extent possible. Folks cannot organize for power if their basic needs are not met, nor is grassroots organizing the place to meet all those needs. As we organize, we must also look for ways to find and redistribute resources to build what we need. In Charlotte, you have to prove that you have been homeless for two years to be able to get into a shelter. In Durham, you have to show up for an intake that happens only once a week and agree to daily devotions and physical labor amongst other restriction. Another shelter in Durham, requires a valid state issued ID, which you cannot get without an address, and 7 days of clean clothing. Locally, our crews were not prepared nor had the relationships in place to connect those we were bailing out to all they immediately needed. After clocking organizing interventions that need to be made, we will do it better and differently next time. At every turn we encountered barriers, from accessing safe and affordable housing, to disability benefits, to food stamps, to mental health care and basic health care, to child care, to transportation, and more. In this action, some of our most heartbreaking moments were women telling us that staying in jail was their only survivable option versus dying on the outside. So what must be built and demanded from our city and county budgets to get our folks truly free from all the snares of the system?

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LESSONS FROM THE FIELD

6. We need more skills and magic to find our trans and gender nonconforming Black mothers and caregivers inside. Many had to be reminded that Black mamas includes trans Black mamas and caregivers. Our chosen families have been born out of love, suffering, and sometimes abandonment. Our capacity to love, protect, and take care of each other extends beyond who gave birth. The self-determination of a trans woman is not honored when she is booked into the jail. In most cases, her classified gender is based on the discretion of the booking officer. We need more support and advice finding our trans mothers and caregivers in jail and getting them out. Over and over we asked, demanded answers, researched, and worked to try to find them and free them, but we couldn't. Jails intentionally hide and displace trans and gender nonconforming people to make them difficult, if not impossible, to find.

7. "But who will you get out?" An abolitionist vision is the guiding light. This action tested and strengthened SONG's abolitionist vision and practice in every way. Our belief that transformation is possible, that none of us should be judged by accusations, and, above all, that no one should be in a cage. Throughout, we had to resist the refrain from supporters and naysayers wanting to know what these mothers and caregivers were arrested for and then judging if they deserved to be free. And yes, each local crew had to make calls on who we could and couldn't get out. Several factors and every nuance for each woman was unpacked before each decision. We modeled, to the best of our ability, what the needs assessment versus risk assessment process should look like when a person is given due process. What do they need to survive and to live whole lives on the outside versus whether or not they are at risk. A clear goal with visionary aspirations gave us a chance to practice our abolitionist politic in a non-fundamentalist way. Not a tangle of words and theory, but a chance to engage together the question of what do non-reformist reforms to the criminal-legal system look like in practice. We have no illusions about what it will take to keep building out our abolitionist politic, practice and why it is a necessity.

8. When you're doing something right, the action moves faster than you. Making direct interventions in our local communities created a ripple effect that snowballed the momentum of the action. We were overwhelmed by the energy and response in fundraising, media articles and interviews, and social media shares. But long before the action had such a public presence, we knew we were doing something right based on the response from community. As Ms. Cara McClure from Black Lives Matter Birmingham said "The people in my city were on fire with this and did everything to make this happen. When I first came to speak with the women and told them about the bailout, tears fell from their eyes." Nearly everyone said YES to not only bail folks out, but also to make tangible impacts in people's lives. In Atlanta, the women at the bank even offered to print and distribute more flyers. People gave change from the ashtrays in their cars. This action got so big we couldn't even keep up with it. We met the challenge to keep up by being vulnerable and honest with our imperfections, turning towards each other across the region, and grounding ourselves in the core principles that guided SONG and this action. We understood what it meant when others understood the vision,

APPENDIX

LESSONS FROM THE FIELD

ran with it, took ownership and moved as they felt called to. This action was not copywritten and did not belong to SONG, it belonged to everyone who put in the work.

9. We can and must be Pro-Black in a multiracial organizing. In this time, multiracial organizing with core Black leadership is so desperately needed. We collectively commit to getting better, stronger, and sharper at how we do it. Across class, race, place, gender, immigrant status, and sexual orientation, people responded resoundingly to the vision and demand of this action. Our Latinx, immigrant, Asian, Arab, Middle Eastern, indigenous, white, and mixed race comrades showed up and came through to get Black mamas free. From shaking down the money tree to giving rides for weeks to blessing us with pans of tamales, everyone had a role. This work asks and requires of us to sharpen how we understand and practice Pro-Black organizing, unapologetically. We challenge ourselves to come with even more courage next time. For those of us that are white, immigrant, and non-Black people of color, we will continue to root out the hesitancy and move from being Pro-Black in our rhetoric and theory to being Pro-Black in our actions. We challenge those of us who are not Black to be willing to be transformed in the service of the work and to not simply do tasks that we are most comfortable doing. We don't need passive and scared white and non-Black people of color in this movement, we need those who will be bold and unapologetic about advancing a pro-Black agenda and who love Black people more than they hate the state.

10. This is only the start. The wreckage and impact of the criminal legal system on Black families are wrenching at every turn. Our people are in cages, losing their families, jobs, cars, and their peace of mind. The longer our folks are held hostage in the cage, the harder it becomes for our people to survive outside of it. The more we continue to bail our people out, the more we are able to expose the grimey cash bail system and the suckas who are profiting off of our bodies and our suffering. After this action, the possibilities of readying the ground to move into campaigns to end cash money bail are clearer than ever.

APPENDIX

PRESS RELEASE TEMPLATE

HERE ARE SOME PRESS RELEASE AND PRESS ADVISORY TEMPLATES THAT YOU CAN USE WHEN LAUNCHING AND CONCLUDING YOUR BAIL OUT ACTION . THESE TEMPLATES WERE USED FOR THE NATIONAL MAMA'S DAY BAIL OUT.

Launch Press Release

Organization Name

FOR IMMEDIATE RELEASE

Date

CONTACT: Name, email, and phone number

National Mama's Bail Out Day

Ahead of Mother's Day, national coalition will reunite incarcerated Black women with their families and highlight inhumane bail practices

NEW YORK— The week before Mother's Day, more than a dozen national and local racial and criminal justice organizations will bail out Black “mamas”—mothers and other transgender and cisgender women—who would otherwise spend Mother's Day in a cell because they are unable to afford bail. The National Mama's Bail Out Day will give these incarcerated women an opportunity to spend Mother's Day with their families, highlight the impact of inhumane and destructive bail practices on Black communities, and support local organizing efforts against mass incarceration.

“No one—whether they're a birth mother, an aunt, or a teacher—should have to spend Mother's Day in a cell just because they can't afford bail,” said Rashad Robinson, Executive Director of Color Of Change, one of Bail Out Day's national partners. “For the first time ever, we're sending that message through a national, coordinated day of action, awareness, and kindness. Money bail and the industry that profits from it has long been destroying our communities, so this Mother's Day Black people across the country are going to reunite our families and demand an end to that system.”

In over a dozen cities, local organizations will work with public defenders, impacted communities, and faith and spiritual institutions to bail out as many Black mamas as possible the week before Mother's Day. Partner organization will also plan homecoming and teach-ins to support those released, and raise community awareness about the need to end money bail through storytelling, politicizing and relationship building.

“Our organizations are fighting to end money bail and to bail out mothers who should be with their families this Mother's Day. But we are also building community support and reimagining what it means to fight for and care for each other. In this time of heightened threat and increasing criminalization from state and federal actors, we are relying on our communities to free ourselves and hold our people.” Explained Erica Perry, from Black Lives Matters Memphis.

APPENDIX

PRESS RELEASE TEMPLATE

Originally proposed by Southerners on New Ground, the National Mama's Bail Out Day will raise awareness of the human and financial costs of money bail and emphasize its impact on Black mothers and caregivers. Every day nearly 700,000 people are incarcerated solely because they can't pay money bail, despite often never being charged for a crime. Eight in ten women in jail are mothers and many of the Black women serving pre-trial detention have been accused of minor drug and "public order" offenses that disproportionately target Black people.

"Mama's are the backbone of our communities. In all of our varieties. Queer, Trans, Old, Young, Immigrant. And we are targeted. One in two Black trans women have spent time in jail. And Black women are twice as likely as white women to be caged. We must demand and fight for the ending of money bail and destructive policies that keep putting us in cages and separating us from our communities. We are the ones who take care of and hold down our families, chosen and biological. When we, Black women and Black Mamas are taken from our communities we all suffer." Said Southerners on New Ground Co- Director, Mary Hooks. "We do this in the tradition of our people who have gone to every length to attain freedom. We are freeing as many Black women from cages as we can because our people are being held hostage and cash bail is ransom."

Participating cities will include Oakland, Los Angeles, St. Petersburg, Montgomery, Houston, Minneapolis, Memphis, Durham, Atlanta, Chicago, Little Rock, Charlottesville, Charlotte, Kinston, Birmingham, New York and Baltimore. Participating organizations include Color of Change, Brooklyn Community Bail Fund, Movement 4 Black Lives Policy Table, Law for Black Lives, Ella Baker Center, Essie Justice Group, LA CAN, Dream Defenders, The Ordinary People's Society, Project Jackson, Dignity and Power Now, Black Alliance for Just Immigration, Texas Organizing Project, Black Lives Matter Memphis, Southerners On New Ground, Neighborhoods Organizing for Change (NOC), and Black Lives Matter Oakland.

Some local organizations are focusing on specific bail reform issues. For example, in some cities, organizers are focusing on bailing out queer and transgender mamas, who are at the greatest risk of being impacted by criminalization and money bail. In others, organizers are connecting their actions with support for ongoing reforms—for example, in California local organizers are working to pass a statewide bill that would enact bail reform.

"Mother's Day is the one day per year where we get to uplift what mothers really want, and I think for Black mothers an honest answer is freedom. That means freedom from the claws of a predatory bail industry and freedom from the cell of a jail." said Gina Clayton, Executive Director of Essie Justice Group an organization co-sponsoring the 2017 California Bail Reform Act. "In the US 1 in 2 Black women has a family member incarcerated. We hope that our action will send a clear message that Black women and those who love us are done being the vulnerable targets of the bail industry."

APPENDIX

PRESS RELEASE TEMPLATE

Ahead of Mother's Day, www.nomoremoneybail.org will host videos that highlight the impact of bail on mothers and caregivers. The official website will also serve as a resource and campaign hub for local bail and canvassing efforts, as well as a portal for donations.

For more, visit www.nomoremoneybail.org

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APPENDIX

PRESS RELEASE TEMPLATE

Description of organization and website.

Template for Local Press Release

[Organization Name]

FOR IMMEDIATE RELEASE

[Month, day, year]

CONTACT: [Name, email, and phone number]

[Local Organizations] Join[s]

National Bail Out Day

Ahead of [holiday], [local organizations] will reunite incarcerated Black folks with their families and highlight inhumane bail practices

[LOCATION]— The week before [holiday], [local organizations] are joining a coalition of racial and criminal justice organizations across the country to bail out Black folks who would otherwise spend [holiday] in a cell because they are unable to afford bail.

[Description of specific local events and where and when they will be held]

[Quote from local organizer]

Originally conceived by Mary Hooks, director of Southerners on New Ground, the National Bail Out Day will raise awareness of the human and financial costs of money bail and emphasize its impact on black folks. Every day nearly 700,000 people are incarcerated solely because they can't pay money bail, despite often never being charged for a crime. Eight in ten women in jail are mothers and many of the Black women serving pre-trial detention have been accused of minor drug and "public order" offenses that disproportionately target Black people.

[Optional second quote from local organizer]

Participating cities will include Oakland, Los Angeles, St. Petersburg, Montgomery, Memphis, Minneapolis, Durham, Atlanta, Houston, New York City, Chicago, Little Rock, Charlottesville, Charlotte, Kinston, Birmingham, and Baltimore.

Participating organizations include Color Of Change, Brooklyn Community Bail Fund, Movement 4 Black Lives Policy Table, Law for Black Lives, Ella Baker Center, Essie Justice Group, LA CAN, Dream Defenders, The Ordinary People's Society, Project Jackson, Dignity and Power Now, Black Alliance for Just Immigration, Texas Organizing Project, Black Lives Matter Memphis, Southerners On New Ground, Neighborhoods Organizing for Change

APPENDIX

PRESS RELEASE TEMPLATE

(NOC), Black Lives Matter Oakland.

Ahead of [holiday], www.nomoremoneybail.org will host videos that highlight the impact of bail on black families and the black community. The official website will also serve as a resource and campaign hub for local bail and canvassing efforts, as well as a portal for donations.

For more, visit www.nomoremoneybail.org

APPENDIX

HOUSE PARTY TOOLKIT



REVISED House Party Toolkit for
**SONG's Black Mama's Day Bail Out
Actions**

April 25th, 2017

Thank you so much, generous soul, for throwing a house party for the Black Mama's Day Bail Out Actions! House parties are a great way to tell people about what SONG is all about, spread the word about the action we are doing this Mama's Day, fund the work, and to engage in meaningful conversation about our organizing to end cages and fight for a South free from fear. Here's a kit with all you should need to make your party excellent!

Fill in your goals for your house party!

Fundraising goal (*\$1000 is what we're suggesting, but anything you can do is grand!*): _____

Turnout goal (*how many folks you want?*): _____

Which of your networks will you reach out to & invite? [*example: co-workers, neighbors, other parents at school, friends from the bar, or from your church or faith congregation*]:

Who's on your crew to help out?:

Quick Links

IMPORTANT, PLEASE USE THIS LINK TO DONATE TO SONG'S FUNDRAISING FOR ACTIONS IN VA, NC, GA, & FL:

<https://bit.ly/freeblackmamasfund>

TO DONATE TO THE NATIONAL BAIL OUT ACTIONS, GO TO:

<https://brooklynbailfund.org/donate/national-bail-out>

FOR A PARTY PLAYLIST, CHECK OUT SONG'S KINDRED SOUNDS on our website here: <http://southernersonnewground.org/?s=%22kindred+sounds%22>

WEBSITE WITH MORE INFO ON THE NATIONAL ACTIONS IS HERE:

<https://brooklynbailfund.org/donate/national-bail-out>

TO THROW DOWN WITH SONG'S ACTIONS THROUGHOUT THE SOUTH:

<http://southernersonnewground.org/song-regional-strategy-sign-ups/>

CLIPS IF YOU WANT TO PLAY A VIDEO:

- "60 Days In" <http://www.aetv.com/shows/60-days-in>

- "Time: The Kalief Browder Story"

<http://www.spike.com/episodes/6dgggk/time-the-kalief-browder-story-part-1-the-system-season-1-ep-101>

What do I need to host a house party?

A good house party does not require a large or luxurious house as its venue; what it does require is an enthusiastic host. THAT IS YOU, MY FRIEND!

We are asking you to:

- Plan, invite, and open up your home to friends, family, and kin for the party (or you could use a local park, church, or event space!).
- Make folks feel welcome!
- Have a sign-in sheet and make sure SONG gets the contact info for the folks who came to your party
- Raise \$\$\$ for the Black Mama's Bail Out actions with donations to SONG's page on the Give Out Day website!
- Take the lead in thanking folks for coming and donating after your party is over.

What are we raising \$\$\$ for? What are we doing on Mama's Day?

The week before Mother's Day, a collection of over a dozen local base-building and national organizations will bail out as many Black mothers as possible, who without our support would spend Mother's Day in a cell because they are unable to afford bail. The National Black Mama's Bail Out Day will give incarcerated mothers an

opportunity to spend Mother's Day with their families, highlight the impact of inhumane and destructive bail practices on our communities and support the base-building of local organizations working with communities on the frontlines of mass incarceration.

In over ten cities and towns across the country, local base-building organizations will work with public defenders, impacted communities, and faith and spiritual institutions to bail out as many Black mamas as possible the week before Mother's Day. Organizations will also plan a homecoming and/or teach-in to support those released, and raise community awareness about the need to end money bail through storytelling, politicizing, and relationship-building. Non-participating locations will be invited to do parallel community and educational actions and join us via social media.

In advance of the National Mama's Bail Out Day, we are fundraising nationally and locally not only to raise funds, but to raise awareness of the impact of bail on mothers and caregivers. (For more information, visit this website: <https://brooklynbailfund.org/donate/national-bail-out> & to sign up to take action with SONG, click here: <http://southernersonnewground.org/song-regional-strategy-sign-ups/> .)

Why?

An average of 700,000 people are separated from their families every day, and they are condemned to cages simply because they cannot afford to pay bail. In addition to the over \$9 billion wasted to incarcerate folks who have not been convicted of a crime, pre-trial incarceration has catastrophic impacts on families and communities. The actions this Mother's Day will highlight the human costs of money bail and will leverage our collective power and resources to bail mothers out of jail so they can spend Mother's Day with their families and communities.

This idea, which came from SONG but is happening across the country via the Movement for Black Lives, reflects a growing movement to end mass criminalization and modern bondage. This action is an opportunity to support mothers (both birth, trans, and other women who mother) who are entangled in the criminal legal system, to highlight the need for bail reform, to elevate the human costs of incarceration on communities and families, and to raise community awareness, that leads to action, about this issue.

This is a vision that comes from organizations organizing on the frontlines of the criminal legal system. It is rooted in the history of Black Liberation, where enslaved Africans and Black people used their collective resources and purchased each other's freedom. This is a necessary intervention and it's going to take our

collective effort to give as many Black mamas as possible their freedom on this Mother's Day. Now more than ever, we must break open the conversation about how we can continue to dismantle this system that destroys our humanity and breaks up our families.

How many people should I invite to my house party?

Some of the people you invite may not come out, so try to invite three or four times as many people as you would like to show up. If you want 20 folks to give \$50 each in order to make your \$1000 goal, for example, you should invite 60 people! One way to turn folks out is to make follow-up phone calls or texts the day before or day of your party. Hit up Jade from SONG's Make It Ra\$h team if you'd like a list of SONG folks in your area to invite (jade@southernersonnewground.org). Which specific people, community leaders, and groups of people would you consider inviting who might care about getting Black mamas out of cages and/or ending cash money bail throughout the South? Are there people who you know give money in town to other groups whom you could invite? And don't forget to invite your own friends, coworkers, family, neighbors, etc.!

What should happen at the party?

Open the party by setting the tone -- house parties are a great way for folks to make a connection with each other and with SONG. Be creative about how to fill the space (decorations, how seating is arranged, if there is seating). You might consider having information about Black Mamas Bail Out day printed out or written up on big paper.

Your party can last just a couple of hours, with most of the time spent hanging out and getting to know one another. We suggest you give a brief, formal fundraising speech (aka "the pitch") taking place maybe 45 minutes into the party. Having snacks, music (check out the SONG 4/20 playlist up above!), and even a photo booth at your party would be great! Be sure to send SONG one of the photos!

Try to recruit at least 3 of your friends or other local SONG members to help you out! These folks can greet people at the door and collect names on a sign-in sheet, help them donate to SONG and the action on the Give Out Day website with computers in your house, and thank people as they leave at the end of the night.

How should I ask for \$\$\$?

It is wise to make sure that guests aren't surprised by being asked for \$\$\$, so make it clear on the invitation that this is a fundraising event.

The "pitch" can be done by you or one of your brave buddies! Should be short (probably no longer than half an hour or so), but compelling and engaging – make plenty of eye contact and try to tell some specific stories about why this action

inspires you and the difference guests can make with their contributions. If an average bail for a misdemeanor charge is \$100-1000, raising \$1000 at your house party could mean getting 10 Black mamas out of cages. Tell folks what your fundraising goal is for the night and let the guests know how much of a contribution it would take from each of them to be able to meet that goal.

Have a question and answer session after concluding your ask. If they ask any questions you can't answer, feel free to check in with SONG staff and let them know you'll get back to them! Have a couple of computers set up with the link to donate here:

PLEASE USE THIS LINK TO DONATE:
<https://bit.ly/freeblackmamasfund>

You can also pass around baskets with envelopes in which guests can enclose their contributions if they want to give cash or checks. For checks, have folks make it out to Southerners on New Ground, but be sure they write Mama's Day in the memo line. Send all checks along to SONG at this address:

Southerners on New Ground

P.O. Box 11250

Atlanta, GA 30310

After your pitch, as people get back to hanging out, you can count up the donations and make an announcement near the end of the party about how much you've raised with their help. Remember to thank your guests as they leave, and also send them thank-you notes after the party is over!

Sample pitch

Thank you so much for being here! We are asking y'all to give a \$50-100 donation tonight to SONG to help fund actions across the South on Mother's Day this May. SONG and other organizations across the country will be working in coalition to bail Black mothers and caregivers out of local jails so they can spend Mother's Day with their families. Groups will also be holding events to share the devastating impact of money bail and incarceration on our communities. Contributions will be used to bail out Black mothers and caregivers, and to support continuing on-the-ground organizing of participating grassroots organizations. All resources we get that are not used for the action will be saved for future bail out days or to advance long-term liberation work in our communities!

What is SONG?

Southerners on New Ground is a 24-year old multi-racial Southern LGBTQ Liberation organization working for dignity, justice and safety for ALL people. We are a kinship organization - meaning we bring our people together to break isolation and we gather our people to FIGHT against the institutions and policies that crush and kill us. What does that mean in practice? It means that we are working to equip our base and members (1) to take on key anti-criminalization campaigns across the region, (2) to shift culture and change hearts and minds, and (3) to embody a pro Black, Pro Queer, Pro-Trans, Pro-Worker, Pro-Immigrant approach to changing our communities, region, and world. Find out more on the SONG website at <http://www.southernersonnewground.org/>.

What supplies will I need for my house party?

Plates
Cups
Forks
Napkins
Cups
Computers (1-2)
Extension cord
Sign-in sheets
Clipboards

Checklist for your party!

- ★ Do you have food? Snacks?
- ★ Are you going to show a video? Got a wireless connection and a TV, computer, or projector to use?
- ★ Does everyone know where your house is/where to park?

Don't forget to follow up!

After your party, send out thank yous (e-mail, text, calls, or postcards!) to everyone who came, and specifically mention and thank them for any donations they made. Don't be afraid to follow up with someone if they made a pledge and haven't given yet. They want to, they probably just forgot! Follow through with any promises or commitments you made to folks at the party.

Need something from SONG?

Got questions, materials, or want a pep talk? Hit us up at jade@southernersonnewground.org or call (919) 525-1683!

APPENDIX

BAIL REFORM PRINCIPLES

MOVEMENT FOR BLACK LIVES BAIL PRINCIPLES

- Bail reform is necessary but, it is one of many needed reforms. The larger goal of ending mass criminalization drives our communication strategies, our organizing and our policy proposals.
- We advocate for reforms that do not re-entrench current racial or class disparities and reject reforms that recreate current disparities even if they are supposedly “neutral” or “evidence-based” tools.
- We seek the end of wealth-based detention and believe in the need to center the history and continuing impact of Anti-Blackness in bail reform messaging, policy and implementation.
- We advocate for reforms that will result in the fewest number of people incarcerated but will not promote policies or narratives that further harm our sisters and brothers who are designated as “too dangerous” or that reinforce the false “violent/non-violent” dichotomy.
- We support policies that take resources and power away from the criminal legal system including police, prosecutors, judges, and pretrial services officers, etc.
- We reject reforms that increase surveillance.
- We advocate for reforms that shift state resources from punitive systems to community controlled and accountable alternatives. We support policies that build community infrastructure and allow for experimentation of community alternatives to incarceration and criminalization but reject any policies that turn our organizations and communities into enforcers of burdensome and unnecessary legal restrictions.
- We reject reforms that create more opportunities for private companies and corporations to profit off of the criminal legal system.
- We do not believe that the accused should have to bear the cost of reforms and reject “user funded” reforms.

NATIONAL BAIL FUND NETWORK

Bail Fund Feasibility Worksheet

There is no one right way to start a bail fund. For decades, bail funds have taken on different forms as communities come together to get people back to their families and communities and hold up the ability to fight a case from a place of freedom. More recently, bail funds in some places have taken on both the role of short-term harm reduction while also advocating for long-term systemic change to end cash bail.

This document distills some of the core feasibility questions we hear when groups are considering starting a bail fund. We hope that this worksheet is helpful to organizers, legal advocates, and organizations contemplating starting a bail fund. We believe that there are many additional planning questions to work through but hope that this worksheet serves as a place to start when determining the feasibility and potential impact of a bail fund.

AREA 1: Who is involved?

- Who are the interested parties in planning a bail fund? Is this planning process being driven by an individual, an organization or group or organizers, a coalition of organizations, a public defender office, a legal service provider? Who is missing from the planning process who should be included?
- What is the connection between those planning a bail fund and local organizing around racial justice, criminal justice reform, and mass incarceration?
- What is the connection between those planning a bail fund and any campaign or work to abolish cash bail, change the bail system, or change pretrial detention? Is there a link to work being done at the local policy level; state legislative reform efforts; and/or local or state-level litigation?

AREA 2: What is the vision?

- What will the goals of the bail fund be? Is this bail fund going to be seen as a temporary intervention connected to a broader campaign to end cash bail or as a new/expanded organization that may exist long-term?
- Who will the bail fund aim to bail out? Will the bail fund specify a population based on discrete issues or criteria or aim to bail out the largest detained population possible?
- How will the bail fund relate to other changes being made to the pretrial system – pilot programs, risk assessment tools, diversion programs, etc.?

AREA 3: What are the core feasibility considerations in the current system?

- Is the bail fund going to be specific to a local jurisdiction or connected to a regional or statewide effort?
- What is the jurisdiction's specific process for bail setting, including timing, and how will this affect where/how a bail fund's intervention would work? Is there a risk assessment tool that is part of the pretrial system that is part of the bail-setting process?

NATIONAL BAIL FUND NETWORK

- Is the public defender involved in your planning? How will representation and referrals to a bail fund work?
- Are there fines/fees that are taken out of returned bails? How will this affect the revolving “rate” of a bail fund?
- What is the average timeline for cases to resolve and bail to be returned?
- What form of bail will the bail fund be able to pay (cash only, % of bond amount, surety)?

AREA 4: Bail Fund Structure

- Are there restrictions or rules on who can pay bail? Will there be licensing or bonding requirements? How do these rules affect the possible structures for a bail fund?
- Where will the bail fund live? Will it be a separate organization, a project of an already established organization? How will the organizational structure be connected to other organizing around bail reform? How does the organizational structure/home relate to the bail fund’s vision?
- How will the bail fund’s structure dictate staffing – Will a host organization/coalition provide staff? What role will public defenders and legal service providers play? Will there be full-time staff or a coordinated volunteer structure?
- What will the relationship to the commercial bail bond industry be? Will the bail fund have to interact with the bail bond industry at all because of local/state rules?

AREA 5: Budgeting

- How will the operating budget (staff, administration, etc.) be structured vs. the bail fund “corpus” (the money for bail)? What operating budget is needed to support the work of paying bail?
- What is the average amount of bail the fund will pay? Weekly/monthly goals?
- Is the bail fund planning to be structured as a revolving fund? How much of the bail fund corpus will be a revolving fund (after deductions for fines, fees, lost bail rate) and what is the average cycle for return?
- Is the bail fund planning to use a loan? If so, how will the loan structure and revolving cycle affect the amount of bail that can be paid?
- Is the bail fund planning to use local/state government funds at all? If so, how will this impact the fund’s ability to push for systemic change to the bail system?

For more information, contact us:

National Bail Fund Network

Pilar Weiss – pweiss@brooklynbailfund.org

Arissa Hall – ahall@brooklynbailfund.org



TRANSFORMATIVE BAIL REFORM

A Popular Education Curriculum

TRANSFORMATIVE BAIL REFORM

A Popular Education Curriculum



CO-AUTHORED BY:



INTRODUCTION

THIS CURRICULUM IS THE PRODUCT OF A CONVENING OF OVER 20 BLACK LED BASE BUILDING ORGANIZATIONS WHO CAME TOGETHER TO DISCUSS THE IMPLICATIONS OF BAIL AND BAIL REFORM ON BLACK COMMUNITIES ACROSS THE COUNTRY.

A subset of convening participants formed a working group that developed this curriculum. We understand ending bail as a limited, but necessary step, towards ending the mass criminalization and incarceration of our communities. Together we seek to ensure that communities most impacted by oppressive policing and incarceration are centered as experts in formulating alternatives to pretrial detention and incarceration.

We recognize that we cannot enact reforms that move our communities closer to liberation without a historically grounded understanding of the inherent anti-Blackness of our criminal punishment system and an exploration of how many proposed reforms continue to re-entrench oppression and to prioritize profit over people. We therefore advocate for reforms that shift state resources away from punitive and ineffective systems and reallocate

the trillions of dollars currently wasted on criminalizing our people to community controlled and accountable alternatives that respect the dignity and humanity of all people. We cannot support reforms that make it more difficult to dismantle oppressive institutions.

In order to support work that does not re-entrench current racial and other disparities, profit private corporations and public institutions or legitimize false narratives that paint some of our people as disposable, we have created this popular education curriculum as a tool to engage our communities and support ongoing bail reform work. The curriculum was created through a collaborative effort that included contributions from the Movement for Black Lives Policy Table, Color of Change, Project NIA (with Chicago PIC Teaching Collective), W. Haywood Burns Institute, Brooklyn Bail Fund, Law 4 Black Lives, Critical Resistance, Southerners on New Ground and Andrea Ritchie.

In addition to an interactive curriculum and action steps, we have also created an appendix that includes handouts of commonly used terms, resource links, bail reform principles, and facts and figures.

We are excited to share the curriculum with you! Please email m4blpolicytable@gmail.com with any feedback you may have.

OVERVIEW



INTRODUCTIONS AND ICEBREAKERS

Opening the space, introducing facilitators, introducing participants, reviewing agenda and setting ground. rules.



BAIL BINGO ACTIVITY

An opportunity to learn about the costs of bail and how it disproportionately impacts Black and brown communities.



FACTS OR FICTION ACTIVITY

A group activity that will allow you to have a conversation about some of the myths underlying our current criminal legal system.



HISTORY OF CRIMINALIZATION ACTIVITY

A group activity that provides an opportunity to discuss the roots of money a bail and its similarities with chattel slavery.



CASE STUDY ACTIVITY

A group activity that lifts up the stories of Sandra Bland and Kalief Browder to better understand the human costs of our current bail system.



END MONEY BAIL ACTION STEPS

A description of some action steps you can take today to join the fight against money bail and mass criminalization.



APPENDIX

Key Terms handout, Bail Principles handout, Facts and Figures Handout, Bail Bingo Answer Key, Resource Page Handout, Spectrum Activity

INTRODUCTIONS AND ICEBREAKERS



Objective

Open the space, introduce facilitators, introduce participants, review agenda and set some ground rules.

Participants

Unlimited

Format

Facilitators will open the space with introductions of themselves, review of the agenda, an ice breaker and establishment of community agreements/ground rules.

Time required

10-30 minutes depending on size of workshop.

Materials

Poster paper and markers to write out agenda of workshop and ground rules. Additional materials may be needed for icebreakers.

Set-up and Technology

No technology is needed.

FACILITATOR INTRODUCTIONS

Facilitators should introduce themselves.

REVIEW THE AGENDA

Facilitators should decide which parts of the curriculum they want to do as part of the workshop and share an agenda and schedule with participants. This is also a good time to review the objectives of the workshop and let participants know that parts of the workshop may be emotionally difficult or uncomfortable. Ask participants to use time during breaks or after the workshop to provide feedback, ask questions, or share stories and to take breaks if they need to.

PARTICIPANT INTRODUCTIONS AND ICEBREAKER

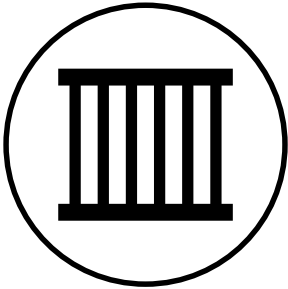
Possibilities for introductions include: Go around and say name, pronoun, and one thing about yourself or why you are here.

SET GROUND RULES

Ask participants to collectively brainstorm some ground rules to establish how they would like to be together in the space. Some examples of ground rules include:

- One Mic
- Step up if you are not talking a lot and step back if you are talking a lot
- Ask questions-- if you are confused about a term or idea ask!
- Try new ideas
- Be respectful of time

BAIL BINGO: FACTS AND FIGURES



DIRECTIONS

Fill in the sheet with the answer to the questions (as best you can estimate). Then move around the room to find someone else who has an answer that is close to yours & write their name in the box. When you have a row filled in completely (across, down or diagonal) yell out “Bingo” to find out how close you are to the correct statistics.

Objective

This group activity provides an opportunity to learn some facts about the costs of bail and how it disproportionately impacts for Black and brown communities.

Participants

4 - Unlimited

Format

Fill in the sheet with the answer to the questions (as best you can estimate). Then move around the room to find someone else who has an answer that is close to yours & write their name in the box. When you have a row filled in completely (across down or diagonal) yell out “Bingo.” The facilitator will read the correct answers and lead a discussion about the costs and disproportionate impacts of bail.

Time required

15-30 minutes

Materials

Printed copies of Bail Bingo and Bail Bingo answer key (see appendix). You can also share the “Facts & Figures” handout (see appendix).

Set-up and Technology

No technology is needed.

<p># PEOPLE CURRENTLY IN JAILS ACROSS THE U.S.</p> <p>_____</p> <p>NAME: _____</p>	<p>% OF PEOPLE LOCKED UP IN JAILS WHO HAVE NOT BEEN CONVICTED OF ANY CRIME</p> <p>_____</p> <p>NAME: _____</p>	<p>___% OF PEOPLE ACCUSED OF FELONIES WHO ARE IN JAIL DUE TO LACK OF FUNDS</p> <p>_____</p> <p>NAME: _____</p>	<p>\$___ IS A LOW ESTIMATE OF HOW MUCH LOCAL COMMUNITIES SPEND ON JAILS (2011)</p> <p>_____</p> <p>NAME: _____</p>	<p>\$___ IS THE AVERAGE COST THAT COUNTIES SPEND TO FILL A SINGLE JAIL BED EVERY DAY</p> <p>_____</p> <p>NAME: _____</p>
<p>\$___ IS THE AMOUNT OF MONEY IT COSTS TO SUPERVISE ONE PERSON ON COMMUNITY SUPERVISION FOR ONE DAY</p> <p>_____</p> <p>NAME: _____</p>	<p>\$___ MILLION IS THE AMOUNT THAT TAXPAYERS WOULD SAVE IF WE CHANGE BAIL LAWS AND DECREASE THE NUMBER OF PEOPLE WHO ARE INCARCERATED DURING THEIR TRIALS</p> <p>_____</p> <p>NAME: _____</p>	<p>\$___ BILLION IS THE AMOUNT OF MONEY THAT BAIL BONDS COMPANY COLLECT FROM DEFENDANTS IN NONREFUNDABLE FEES</p> <p>_____</p> <p>NAME: _____</p>	<p>___% INCREASE IN LIKELIHOOD THAT SOMEONE WILL TAKE A PLEA BARGAIN IF THEY ARE HELD IN PRETRIAL DETENTION</p> <p>_____</p> <p>NAME: _____</p>	<p>___% INCREASE IN LIKELIHOOD THAT YOU WILL BE FOUND GUILTY IF YOU ARE HELD IN PRETRIAL DETENTION</p> <p>_____</p> <p>NAME: _____</p>
<p>% OF JAIL POPULATION IS BLACK</p> <p>_____</p> <p>NAME: _____</p>	<p>BLACK FOLKS ARE ___% MORE LIKELY TO BE ARRESTED AS COMPARED TO A WHITE PERSON</p> <p>_____</p> <p>NAME: _____</p>	<p>BLACK FOLKS ARE ___ AS LIKELY TO BE DETAINED PRETRIAL THAN WHITE PEOPLE</p> <p>_____</p> <p>NAME: _____</p>	<p>BAIL IS ON AVERAGE ___% HIGHER FOR BLACK MEN THAN WHITE MEN</p> <p>_____</p> <p>NAME: _____</p>	<p>___% OF WOMEN IN LOCAL JAILS ARE WOMEN OF COLOR</p> <p>_____</p> <p>NAME: _____</p>

FACTS OR FICTION



Objective

This group activity will allow you to have a conversation about some of the myths underlying our current criminal legal system.

Participants

4 - Unlimited

Format

Small/large group discussion.
Facilitator poses question and solicits responses from small/large group.
After a brief discussion facilitator presents answer and discusses.

Time required

20-30 minutes, more or less depending on the amount of group discussion/debrief and detail desired.

Materials

Facilitator script

Set-up and Technology

No technology is needed.

DIRECTIONS

Facilitator poses question and solicits responses from small/large group. After a brief discussion facilitator presents answer and discusses.

SAMPLE FACTS OR FICTION QUESTIONS (PAGE 1 OF 2)

Most people in jail have been found guilty of a crime.

FALSE: An average of 60% of people held in local jails have not been convicted of the crime they are accused of and are there because they are unable to pay bail.

Bail is the most effective way to make sure people return to court.

FALSE: Jurisdictions that limit or eliminate their use of money bail often have as high or higher percentages of people returning for their court dates.

The more your bail is set for the more likely you are to appear in court.

FALSE: Many studies show that the amount of money attached to a bond does not have any impact on how likely a person is to appear in court for their trial date.

If we don't use money bail it is essential that we use electronic monitoring or some other type of surveillance to ensure that people come to court.

FALSE: Many studies show that the most successful way to ensure that someone comes to court is to call them and remind them of their court date. Electronic monitoring has not been shown to increase court appearance or safety and often benefits for profit corporations who make money off of the criminal legal system.

Most people who are in jail on bail are there because they are accused of a crime that the judge thinks is a safety risk.

FALSE: In most jurisdictions judges do not even consider if someone is a danger to themselves or others. In New York in 2008, nearly 17,000 people accused of no more

FACTS OR FICTION



SAMPLE FACTS OR FICTION QUESTIONS (PAGE 2 OF 2)

than a misdemeanor couldn't make bail of \$1,000 or less. They averaged almost 16 days in jail. Most were accused of nonviolent crimes such as possession of marijuana or jumping a subway turnstile.

Your race has nothing to do with if you are offered bail or how much bail is set at.

FALSE: Black people are 2.5 times more likely to be arrested than whites. They are also two times more likely to be detained than whites and Black men on average face bail that is 35 percent higher than white men.

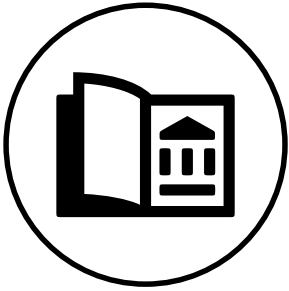
Spending even just a few days in jail can have a devastating impact on your economic stability and your emotional well being. It also is correlated with increased likelihood of future involvement with the criminal legal system.

TRUE: The Vera Institute reports that even spending as few as two days in jail can reduce economic viability, promote future involvement with the criminal legal system, degrade personal health and increase the chance that the accused is incarcerated if found guilty. Notably, defendants that were held 2–3 days were almost 40% more likely to be arrested for new crimes before trial than equivalent defendants held no more than 24 hours.

Keeping people in jail before trial is more expensive than allowing them to await trial from their home.

TRUE: Broadening access to pretrial bonds could end up saving taxpayers \$190 million. Reducing the jail population would save \$250 million a year, but \$60 to \$70 million more would be needed for pretrial supervision. Nationally, the average cost to hold someone in jail before trial is \$75 a day, compared with about \$7 a day to supervise a person in the community, according to the Pretrial Justice Institute.

HISTORY OF CRIMINALIZATION



Objective

To learn about the history and explore the legacy of the criminal punishment system in the U.S. to better understand how we got to our current era of mass criminalization.

Participants

4 - Unlimited

Format

Small/large group discussion

Time required

20-30 minutes, more or less depending on the amount of group discussion/debrief and detail desired.

Materials

Facilitator script, timeline cards, post-it notes, markers, large roll of paper to create the timeline.

Set-up and Technology

Wall space, space with an ability to move chairs and where people can move around.

ACTIVITY ONE: TIMELINE CARDS ACTIVITY

1. Break up into groups of 2 or 3 people.
2. Hand out timeline cards to each group. Also hand out post-it notes and markers.
3. Facilitator tells participants to read the cards and discuss them with your partner/group and to discuss the following questions:
 - a. Is this information that you already knew?
 - b. Is this new information?
 - c. If the info is not new, what more can you share with your partner/group about this era?
 - d. If it is new, what strikes you as important/interesting about this information?
 - e. What's the relevance of this historical moment to our current era of mass & hyper-incarceration?
4. Facilitator tells participants: "After you've discussed the historical moments, please paste them on the timeline in the appropriate era. Also you can add other information (using the post-it notes) that you know about other historical moments that may not already be represented on the timeline."
5. Facilitator asks for a volunteer from each pair or group to come up and discuss the historical moments that they posted on the timeline.
6. Facilitator fills in the gaps on the timeline using the guide to the abbreviated PIC timeline created by the PIC Teaching Collective/Project NIA.
7. At the end, facilitator asks: "Now that we have filled out the timeline, do you notice any recurring themes? If yes, what are they?"

Note: You can also include moments of historical resistance on your timeline if you'd like. Find those in Evan Bissell's Knotted Line curriculum: <http://scalar.usc.edu/anvc/the-knotted-line/timeline-of-resistance>

WHAT HAPPENED:

Christopher Columbus first came to the Americas

WHY IT MATTERS TO PRISON HISTORY:

The contact made by European explorers led to colonization and exploitation of indigenous/native people in the Americas. Most of the European colonizers relied on violence and imprisonment as their primary forms of justice. In many cases they violently displaced Native American cultures whose systems of justice were based on principles of restoration and healing.

WHAT HAPPENED:

Europeans established the trans-Atlantic slave trade

WHY IT MATTERS TO PRISON HISTORY:

The slave trade, based on kidnapping Africans from their homes, drives the economy of the colonies that will become the United States. Policing, imprisonment and control of Black people (as well as Native Americans) becomes a part of the country's foundation.

WHAT HAPPENED:

Civil War, Emancipation and the 13th Amendment to the Constitution

WHY IT MATTERS TO PRISON HISTORY:

The slaves are freed, but slavery is not completely outlawed. The 13th amendment abolishing slavery makes one exception, allowing for involuntary servitude in the case of people who have been convicted of a crime. This allows slave labor to continue, as long as it is behind prison walls.

WHAT HAPPENED:

Reconstruction, or the time of rebuilding after the Civil War

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: Although Black people were technically freed from involuntary servitude, many laws were passed during reconstruction that made it easy for African-Americans to be arrested—laws against loitering, homelessness, and even laws requiring Black men to work. This led to lots of arrests. Guess what? After they had been arrested, Black citizens could be legally forced to work without pay, in some cases returning to work in the same places slaves had worked (such as Angola prison, a former plantation in Louisiana).

WHAT HAPPENED:

The Progressive Era and the founding of the juvenile court

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: In this era, middle-class social reformers decided they wanted to see a kinder, gentler penal system. For the first time, young people were tried in separate courts from adults, and the whole idea of “probation” was created. This meant more state intrusion into poor people’s homes, on the one hand, but it often meant better-run state institutions on the other hand. The Progressive era was also a contradictory time, as “scientific” ideas about race led to the birth of the eugenics movement.

WHAT HAPPENED:**121**

World War II and the creation of internment camps for tens of thousands of Japanese-Americans

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: This was not the first wave of intense anti-immigrant sentiment to hit the U.S., but it hit a low when the military took tens of thousands of Japanese people living in the U.S. out of their homes and imprisoned them in military camps. Immigrants were already often detained at Angel Island in the West and Ellis Island in the East, and disproportionately arrested and imprisoned once inside the country. Internment camps were another racially based form of mass imprisonment.

WHAT HAPPENED:

First steps in desegregation and the Civil Rights Movement, 1950s and 1960s.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: Right when the Civil Rights movement began to really take off, the first mandatory minimum laws were passed for pot and then for other drugs. As communities of color pushed back against oppression, legal means were used to target and lock up people of color. Famous activists like Martin Luther King, Jr., Rosa Parks, and hundreds of others were also arrested for nonviolent protests against segregation.

WHAT HAPPENED:

The hey-day of the Civil Rights movement, 1960s.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: Although Black
Why it matters to prison history: Civil Rights changed lots of key things, finally getting rid of Southern Jim Crow segregation laws and making more forms of discrimination illegal. At the same time, the FBI launched a secret program called COINTELPRO in the late 1950s to target, infiltrate and imprison many activists, especially those affiliated with the Black Power movement. Although activists spoke out on issues like police brutality and racist violence in all parts of the country, police targeting of communities of color also continued unchecked in the North and South.

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WHAT HAPPENED:

Backlash against Civil Rights and Black Power, passage of Rockefeller Drug Laws, 1970s.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: As more leaders were arrested and assassinated, the slow disintegration of the Civil Rights and Black Power movements dashed a lot of hopes for creating a whole new justice system. At the same time, new laws were passed like New York's Rockefeller drug laws that created new mandatory minimum sentences for drug dealing and possession, and these laws immediately targeted urban communities of color. The whole country slipped into a recession, and prison populations began to expand dramatically.

WHAT HAPPENED:

The "tough on crime" era and the War on Drugs, late 1970s-1990s.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: The War on Drugs declared by President Ronald Reagan meant a whole new slew of drug laws criminalizing poor people and people of color, such as crack-cocaine laws targeting crack use in poor communities (punishment for more expensive powder cocaine was much less intense). The conservative "tough on crime" movement and "Zero tolerance" in schools encouraged imprisonment for smaller and smaller offenses. All this meant that the prison population literally exploded.

WHAT HAPPENED:

Prison industry boom followed by a decrease in crime rates, 1990s-2000s.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: After a massive round of expansion, and the creation of new privatized prisons run by corporations, the economy happened to be soaring and the crime rate began to level out or decrease. Suddenly there was a big prison industry with lots of vacant beds. New policies like California's "Three Strikes, You're Out" law, anti-gang laws, and new anti-terrorism laws were passed, giving police new ways to target young activists, people of color, and Arab and Muslim immigrants.

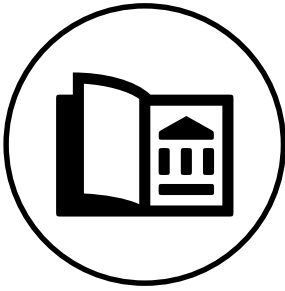
WHAT HAPPENED:

Arizona passed SB1070, the most draconian anti-immigrant law on the books, 2010.

WHY IT MATTERS TO PRISON HISTORY:

Why it matters to prison history: The private prison lobby, looking to fill beds and expand their business in border areas, advocated hard for the passage of new laws making it much easier to arrest and deport immigrants. Anti-immigrant violence surged, and so did anti-immigrant policing. New prisons were built with the expectation of many more arrests of Latin American immigrants in Southwest border states.

HISTORY OF CRIMINALIZATION



FACILITATOR NOTES FOR DEBRIEF (PAGE 1 OF 3)

1492: when Columbus comes to the Americas, white supremacy starts to be established here; involuntary servitude is deeply connected with colonization; European cultures establish retributive, punitive system of justice, in some cases replacing indigenous systems of justice based in more restorative principles

1600s-1700s: establishment of the slave trade, which drives the economy of the colonies that will become the U.S.

1791: Bill of Rights adopted, including the 8th Amendment which states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

1860s: Civil War (ended 1864), emancipation and the 13th amendment; slavery is abolished, but the constitution allows for involuntary servitude in the case of people convicted of a crime

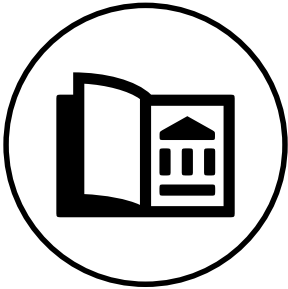
1864-1890s: reconstruction; the passage of laws like loitering laws and laws requiring black people to work, which led to imprisonment of many former slaves; they are then required to work, often on the same plantations where slaves had worked (Angola prison is one such institution)

1880s-1930: the progressive era; a contradictory time, birth of the eugenics movement and “scientific” beliefs about race; founding of juvenile courts (first juvenile court established in Cook County in 1899) and other “social service” oriented reforms pushing for a kinder, gentler system; Indian “boarding schools”

1940s: World War II and the creation of internment camps for tens of thousands of Japanese-Americans

1950s: first mandatory minimum laws passed for pot and then other drugs; desegregation and civil rights; as communities of color push back against oppression, legal means are used to target and lock up people of color

HISTORY OF CRIMINALIZATION



FACILITATOR NOTES FOR DEBRIEF (PAGE 2 OF 3)

1960s: the civil rights movement is ascendant; FBI uses COINTELPRO to target, infiltrate and imprison many activists by 1970s

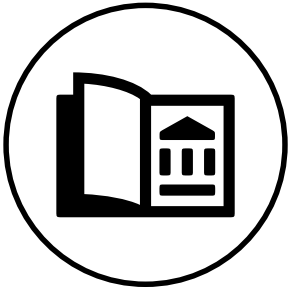
1966: [You can make a separate card with this information]

“Bail law in the United States remained relatively unchanged from 1789 until 1966. In 1966, the U.S. Congress passed the Bail Reform Act, which was designed to allow for the release of defendants with as small a financial burden as possible. Before signing the act, President Lyndon B. Johnson gave a speech that contained stunning examples of how the bail system had hurt people in the past. Here’s one particularly disturbing example: “A man spent two months in jail before being acquitted. In that period, he lost his job, he lost his car, he lost his family -- it was split up. He did not find another job, following that, for four months.” Other anecdotes related similar stories: poor people spending months in jail only to later have the charges dropped; others forced to sit in jail, unable to work, only to be found innocent of all charges. In short, the bail system was biased against the poor and filling jails with people who should be out on bail.

The next major revision to U.S. bail law came with the Bail Reform Act of 1984, which replaced its 1966 predecessor. While the previous Reform Act had helped to overturn discrimination against the poor, it had left open a serious loophole that allowed many [so-called] dangerous suspects to receive bail as long as they didn’t appear to be flight risks. This new law stated that defendants should be held until trial if they’re judged dangerous to the community. The law also established new categories of who could be held without bail -- mostly those charged with very serious crimes, repeat offenders, the potentially dangerous and anyone who might be a flight risk. And finally, the act stated that those who were eligible for bail had to have a bail hearing.” (Source: <http://money.howstuffworks.com/bail3.htm>)

1970s: backlash against civil rights and black power movements; 1973 Rockefeller drug laws in NY used to target urban communities of color

HISTORY OF CRIMINALIZATION



FACILITATOR NOTES FOR DEBRIEF (PAGE 3 OF 3)

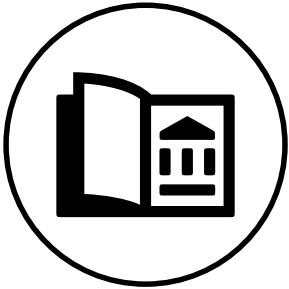
Late 1970s-1990s: “tough on crime” era, paired with “war on drugs” (1981), further demonizes young people of color; crack/cocaine disparity; mandatory minimums spread; the earliest attempts at prison privatization (1986)

1990s-2000s: boom and bust; private prison industry boom in 1990s couples with decrease in crime rates leads to lots of vacant beds; new policies like 3-strikes and anti-terrorism laws are instituted to further target young POC, activists, and arab and muslim immigrants

2010: SB1070, one of the most demonizing immigration laws on the books, passed in Arizona with the support of private prison lobby looking to fill beds

2016: Small decrease in the numbers of people incarcerated.

HISTORY OF CRIMINALIZATION



Objective

To discuss similarities and differences between chattel slavery and the modern bail/bond system.

Participants

Unlimited

Format

Small/large group discussion

Time required

30 minutes, more or less depending on the amount of group discussion/debrief and detail desired.

Materials

Markers, newsprint, handouts to read

Set-up and Technology

No technology needed.

ACTIVITY TWO: BUYING OUR FREEDOM

Option #1

Using the following resources from the National Humanities Center (<http://nationalhumanitiescenter.org/pds/maai/emancipation/text1/text1read.htm>) answer these discussion questions:

- How did enslaved blacks acquire enough money to purchase the freedom of themselves and their families?
- How did they acquire enough influence with their slaveholders to negotiate a price and a process for their freedom?
- How did the goal of purchasing their family members (and locating them in some instances) affect their lives as freemen?

Option #2

Using the following resources compiled by the Gilder Lehrman Institute of American History (<https://www.gilderlehrman.org/history-by-era/slavery-and-anti-slavery/resources/buying-frederick-douglass's-freedom-1846>) about buying Frederick Douglass's freedom, discuss the connections between purchasing the freedom of enslaved people and the current bail/bond system.

- Why did Frederick Douglass travel to Ireland and England in 1846?
- Explain why the legal transaction described in these documents had to take place before Frederick Douglass could return to the United States.
- Are there similarities between the process of buying one's freedom or one's family's freedom as an enslaved person and paying for bond/bail today?
- What are the differences?

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY ONE: MIND MAPPING (PAGE 1 OF 2)

Jails and the Prison Industrial Complex (PIC)

Explain that the group is going to create a mind-map to get a sense of how we understand criminalization and jails. For a visual example of a mind-map see “The Corrections Project’s Mind-Map”: <http://correctionsproject.com/prisonmaps/pic4.htm>

Write: Jails in a circle in the middle of a big piece of butcher paper

Ask: Who is affected by jails (prisoners, families, guards, communities, towns, politicians)? Write these around the center, circling each one, and connect them with a line to Jails in the center.

Ask: Who else is affected by jails, or connected to them in some way? What are some of the institutions that are connected to prisons (courts, police, schools, government, social services, media, corporations, etc)? Continue to draw these around the center with lines connecting to Jails, and you may also draw lines connecting the topics, within or between the layers. For example, politicians—government, families—prisoners, prisoners—guards.

Ask: What are some of the larger ideas related to jails that influence these institutions and individuals (fear, violence, racism, war on drugs, etc.)? Continue to connect them to Jails and to other topics.

Ask: Where do you fit in? Where are you connected to this picture? Write these connections in an outer circle. It could be anything from personal connections to incarcerated people, to volunteering in a jail, knowing someone who works in a jail, etc.. As in the last step, draw connections within or between layers.

Now that the group has created a map, let participants know that the group has developed a working definition of the Prison-Industrial Complex. Say: All of these structures and people and the connections between them make up the PIC, and that is why it is called a “complex.”

Objective

To discuss the nature and impact(s) of the prison industry complex.

Participants

Unlimited

Format

Small/large group discussion

Time required

30 minutes, more or less depending on the amount of group discussion/debrief and detail desired.

Materials

Markers, newsprint

Set-up and Technology

No technology needed.

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY ONE: MIND MAPPING (PAGE 2 OF 2)

Read the Critical Resistance definition, first paragraph:

Prison Industrial Complex (PIC) is a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social, and political problems.

Point out that many people (including academics, the general public etc) have ignored the role that local jails have played and continue to play in creating the foundation of criminalization and mass incarceration. This is a real problem if we want to decarcerate (or dramatically decrease the numbers of people incarcerated across the country). We became a prison nation in part because of the punishment of pretrial detainees in jails. Jails play a critical role in our epidemic of incarceration.

After the mind map which sets the context of the social forces that support and lead to criminalization, invite participants to read through Kalief's story.

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY TWO: CASE STUDIES (PAGE 1 OF 5)

Kalief's Story

I was a 16-year-old high school sophomore living in the Bronx, New York. I was the youngest of seven siblings, many of whom were adopted, including myself. On Saturday May 15, 2010, I was walking home from a party with a friend, ten days before my 17th birthday, when we were arrested by the cops and accused of robbery, grand larceny, and assault for allegedly stealing a man's backpack.

When we got to the police precinct, we were fingerprinted and thrown into a holding cell. We waited in the cell for several hours and then were taken to central booking at the Bronx County Criminal Court. Nearly seventeen hours after being picked up, an officer and a prosecuting attorney interrogated me. I continued to tell them that I was innocent.

The next day, we appeared before the judge in our arraignment hearings. Either months earlier, I was forced to take a guilty-plea (some friends were caught joyriding in a delivery truck, I only admitted to watching). I was given probation with promise of a clean record once completing probation. This really influenced my bail outcome with the judge.

In arraignments, he released my friend on an ROR. In less than 30 seconds, the judge imposed bail in the amount of \$3,000 on me. My family could not afford to pay.

I told the court and my lawyers that I was innocent. Still I was locked up at Rikers Island to await trial like 450,000 other people across the country on any given day.

Five out of six of those people (like me) are in jail because they could not afford bail or because a bail agent declined to post a bond. NYC spends over \$200,000 a year to keep one person locked up at Rikers.

Stuck in jail with little access to my lawyer, I couldn't really assist in my own defense. I was at the mercy of prosecutors, who offered to reduce my jail time or release me, but only if I pleaded guilty to robbery and assault. I refused.

Objective

To discuss and contextualize Kalief and Sandra's stories.

Participants

Unlimited

Format

Small/large group discussion

Time required

30-45 minutes, more or less depending on the amount of group discussion/debrief and detail desired.

Materials

Markers, newsprint, handouts of Kalief and/or Sandra's stories

Set-up and Technology

No technology needed.

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY TWO: CASE STUDIES (PAGE 2 OF 5)

My mother came to visit me every weekend. She put money on my commissary account. But being at Rikers was brutal. I was viciously beaten by guards and other detainees.

After 74 days of torture at Rikers, I finally got to see another judge. I pleaded not guilty for stealing the backpack. I told the judge I wanted to go to trial.

Because I was still on probation for my previous case, the judge remanded me without bail. He considered this new arrest to be a violation of my probation. Even if my family could have afforded bail, paying for my release was no longer an option.

So I returned to Rikers where I continued to be physically and emotionally abused by guards and other inmates. I was put in solitary confinement for weeks at a time. It was torture.

My public defender made multiple applications for bail for me over my years in jail. All of my applications were denied because of the probation violation.

I missed half my sophomore, my junior and senior years of high school while locked up. I turned 20 years old at Rikers Island.

After 3 years in Rikers, I was finally released when prosecutors dropped the charges against me. By that time, I was suffering from serious mental health issues.

When I got home, everyone could see that I had changed. I spent most of my time alone in my bedroom. Often I'd pace back & forth like I used to do when I was in solitary.

When I was released and asked how I was doing, I'd say: "I'm not alright. I'm messed up." I felt suicidal. I tried to hang myself and was admitted to a psychiatric hospital.

I tried to stay busy. I signed up for GED prep classes, computer classes, and attended weekly counseling sessions. I passed my GED on the first try.

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY TWO: CASE STUDIES (PAGE 3 OF 5)

Coincidentally, I got a job as a security guard at the psychiatric hospital where I'd stayed. One day I heard some employees talking about the fact that I'd been a patient there. Soon after, I was fired.

I got a part-time job through my new lawyer. I started taking classes at Bronx Community College but I still can't shake the nightmares and flashbacks from Rikers. I'm permanently scarred by the experience.

It became too hard for me to live in the world. Fed up and sick, I hung myself.

Discussion Questions:

- Why did Kalief die?
- Who is most responsible for Kalief's death?
- What are the systems that impacted Kalief's life path?
- How did pre-trial detention disrupt Kalief's life?
- What role did bail play in this situation? How does bail work?
- Were there any positive forces in his life?
- Who could have made a positive intervention in this story? How?
- What happened when Kalief was released? How did his pre-trial detention experiences continue to impact his life?
- Do you have a personal story to share about how you or someone you loved were impacted by pre-trial detention?

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY TWO: CASE STUDIES (PAGE 4 OF 5)

Sandra's Story

Sandra Bland was a 28-year old Black woman from Naperville, Illinois who was arrested on July 10, 2015 after being pulled over by Plainview, Texas police for failing to use a turn signal before changing lanes. Rather than simply issue her a warning or a citation and let her be on her way, Officer Brian Encinia began questioning Sandra about why she was displeased with the ticket and insisting that she put out the cigarette she was smoking as he was writing the ticket. Sandra calmly answered the officer's questions and asked why she had to put out a cigarette she was smoking in her own car. Encinia responded by ordering Sandra out of her car, opening her door and attempting to drag her out, and threatening to "light her up" with his TASER.

After moving her out of view of his dashboard camera, he roughly handcuffed her, hurting her wrists, and slammed her head to the ground causing her to lose hearing and feeling in her arm. Sandra was then arrested and taken to Waller County Jail, where she was found dead in her jail cell three days later. Authorities claim she committed suicide by hanging herself with a garbage bag liner.

On Saturday, July 12, the day before she died, Sandra's bond had been set at \$515 - for a minor traffic offense - an amount which neither her family nor her friends were able to pay. The next day, she refused her breakfast, was sobbing uncontrollably, and twice asked for permission to make a free phone call from the booking desk and was denied both times. She had previously indicated that she had attempted suicide, but had not been placed on suicide watch, and jailers failed to check her cell every 30-60 minutes as required by jail policy. Some researchers argue that jailers' failure to give Sandra the anti-epilepsy medication she was prescribed may have contributed to her death: deprivation of the medication can lead to suicidality. Once found hanging in her cell, jail personnel delayed in providing her with life-saving medical care, including CPR.

CASE STUDY: WHY DID KALIEF AND SANDRA DIE?

Structural and Micro Level Explanations



ACTIVITY TWO: CASE STUDIES (PAGE 5 OF 5)

Holding Black women in jail on minor offenses and then failing to provide for their medical care, with severe and sometimes deadly results is not uncommon. In July 2015, five additional Black women died in jails around the country waiting to post bail, the majority on minor shoplifting charges, in several cases after jail officials failed to provide necessary medical care.

For more information on what happened to Sandra Bland: http://www.huffingtonpost.com/entry/sandra-bland-investigation-waller-county_us_56017d17e4b08820d91a3900

Discussion Questions:

- Why did Sandra die?
- Who is most responsible for Sandra's death?
- What impact(s) did pre-trial detention have on Sandra?
- Both Sandra and Kalief were given a bail and if they had the money, they could have been released to fight their cases. What should happen when a person can not afford their bail?
- How does bail work?
- Do you have a personal story to share about how you or someone you loved were impacted by pre-trial detention?

END MONEY BAIL/ END PRETRIAL DETENTION: ACTION STEPS

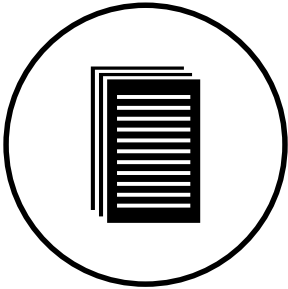


SUPPORT MOTHER'S DAY NATIONAL BAIL OUT

In May groups across will be bailing mothers and caregivers out of local jails and immigration detention centers so they can spend Mother's Day with their families. We will also be holding teach-ins to share the impact of money bail and incarceration on our communities. To support these efforts and continuing efforts around Criminal Legal reform donate here: <https://www.brooklynbailfund.org/donate/national-bail-out>

JOIN COLOR OF CHANGE'S #ENDMONEYBAIL CAMPAIGN

Color of Change is leading a campaign targeting the bail bonds industry --which is preying on low-income Black people who are disproportionately impacted by every aspect of the criminal justice system. The industry is making billions from financially crippling the families they exploit and causing irreversible trauma to victims of mass incarceration like Kalief Browder and Sandra Bland. Stand with activist and members of Color of Change across the nation to demand transformative bail reform: <https://colorofchange.org/campaigns/bailbonds/>



Objective

This section defines commonly used terms relating to bail reform.

KEY TERMS (PAGE 1 OF 3)

Bail: Bail is a guarantee (usually in the form of money) that a judge, magistrate or bail commissioner etc may require someone to post as a condition of their release. Theoretically, it is to ensure a defendant returns to court. Practically, bail coerce guilty pleas and led to the mass detention of those who are presumed innocent. Although bail is usually in the form of money it can take many forms such as requiring property or collateral.

Bail Bond: Bail Bond is a form of bail that is usually offered to a defendant. If a defendant and/or their community members are unable to afford cash bail they usually have the option of paying a bail bond. Bail bonds are usually a higher amount than cash bail but the courts require only a percentage that you must pay with a bail bondsperson. The bail bondsperson is an agent of the court and the fee that you pay to them is nonrefundable and they may require additional conditions such as collateral and the defendant to oblige to weekly check-ins and drug tests. If a defendant does not make their court dates, a bail bondsperson has the ability to hire a bounty hunter to arrest the defendant, keep their collateral or sue for additional money.

Bail Hearing/First Appearance: First Appearances are the first time a defendant is brought before a judge or magistrate. The defendant is told his or her rights and bail will be set (or reviewed if already set according to a bail schedule). Defendants or their lawyers are allowed to argue for lower bail amounts but defense counsel are often not present (or may not even be allowed to be present), leaving defendants to make arguments on their own. In some places, the defendant will not even be physically present in the courtroom but will appear via video from a police station or local jail.

Arraignment (Charging): When a defendant is told in open court what charges the local prosecutor has chosen to pursue. This usually happens at the same time as a defendant's First Appearance (because of this the terms are sometimes used interchangeably) but in some places charging will happen days if not weeks (and in some cases months) after First Appearances. While bail will be set at First Appearance, if a defendant isn't charged, they will not be able to plead guilty, and will have to wait in jail until charges are brought, unless bail is paid.



KEY TERMS (PAGE 2 OF 3)

Criminalization: The structures and procedures that implicate certain behaviors as well as identities as criminal, sometimes through making behaviors illegal and sometimes by unevenly distributing blame or unjustly using legal structures to enforce social expectations. Examples: racial profiling, laws that criminalize homelessness or poverty, laws that criminalize sex work, etc.

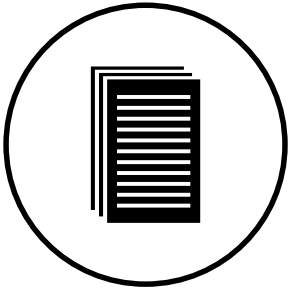
Incarceration: Confinement in prison, jail, or juvenile detention facility.

Jail/ Detention Facility: Jail is a correctional facility (cage) that detains diverse populations but primarily those who are unable to make bail and/or those who are awaiting trial or a plea agreement. This facility also holds people that have been convicted of misdemeanors and are serving a sentence of 1 year or less. It is operated by a county or city government.

Pre-Trial Detention: Pre-trial detention refers to the holding of a defendant in custody prior to their trial. This holding usually takes place in a jail and is due to one's inability to post bail or a judge deeming them a danger to society or unlikely to return to court. It is important to note that although a defendant is being detained, theoretically they're still presumed innocent without conviction. This can also be known as a judge setting a remand or remanded without bail- where someone is held in detention at least until their next court date, and also still presumed innocent without a conviction.

Prison/ Penitentiary: A prison is a correctional facility (cage) for those that have been convicted of a felony and will be serving 1 year or more. This facility is operated by the state or federal government.

Prison Industrial Complex: "Prison Industrial Complex" (PIC) is a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to what are, in actuality, economic, social, and political "problems."

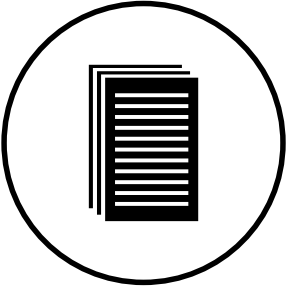


KEY TERMS (PAGE 3 OF 3)

Risk Assessment: Pretrial “risk assessment” tools are in use around the country and are one of the more popular alternatives to money bail. These tools are used to predict if a defendant is likely to not appear in court or pose a threat to themselves or the public. They generate risk scores based on a set of factors such as age at first arrest, number of prior failure-to-appear warrants and jail incarcerations, employment at the time of arrest, residential stability, illegal drug use in the previous six months, and severe drug use problems. These tools seem to decrease the overall rates of pretrial detention but are likely to also recreate racial disparity in incarceration.

Preventative Detention: Preventative detention is the confinement of people accused, but not yet convicted, of criminal offenses. Courts can hold people not convicted of any crime if they are deemed a safety risk (to themselves or others) or a flight risk. Preventive detention is popular in cities and states, like Washington, DC, that have reduced their reliance on cash bail and use risk assessment tools to decide who should be preventively detained and who should be released.

Release on Recognizance (ROR): Depending on the discretion of the judge, a judge may request that a person enter into an “ROR”. This means that they are released, not having to pay bail or serve time in pretrial detention, but are opting into a promise that they return to court on their next court date. It is important to note that several factors make it less likely that someone is “ROR’d”: arrest charge, previously being caught in the criminal legal system (particularly formerly incarcerated people are less likely to receive an ROR), and other factors listed in the Risk Assessment section (above). Also, judges may require folks to check in with officers, have restricted travel, have curfews, or even go to programs as a condition of their “release”. These requirements are to not that an ROR does not necessarily mean that someone is “free” from the further reaches of the PIC (see Prison Industrial Complex section above).



Objective

This section includes links to bail related resources that may be helpful.

RESOURCES (PAGE 1 OF 2)

Julie Through the System: A Choose-Your-Own Adventure exploring the Juvenile Justice System: <http://www.throughthesystem.com/>

The History of Bail and Pretrial Release by Schnacke, Jones and Brooker - <http://pretrialnola.org/wp-content/uploads/2015/09/09-24-2010-PJI-History-of-Bail.pdf>

Detaining the Poor: How money bail perpetuates an endless cycle of poverty and jail time <https://www.prisonpolicy.org/reports/incomejails.html>

Incarceration’s Front Door: The Misuse of Jails in America (comprehensive study of the budgets, demographics and failures of jails). See: https://storage.googleapis.com/vera-web-assets/downloads/Publications/incarcerations-front-door-the-misuse-of-jails-in-america/legacy_downloads/incarcerations-front-door-report_02.pdf

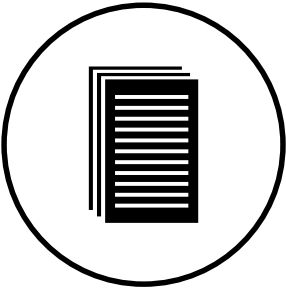
Racial Disparities at Pretrial and Sentencing and the Effects of Pretrial Services Programs, National Council on Crime & Delinquency

Fourteen Examples of Racism in Criminal Justice System. See: http://www.huffingtonpost.com/bill-quigley/fourteen-examples-of-raci_b_658947.html

Why Bail Reform Should Be an LGBT Movement Priority. See: http://www.huffingtonpost.com/chase-strangio/why-bail-reform-should-be-an-lgbt-movement-priority_b_7739166.html

Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned. See: <https://www.prisonpolicy.org/reports/income.html>

Moving Beyond Money: A Primer for Bail Reform. See: <http://cjpp.law.harvard.edu/assets/FINAL-Primer-on-Bail-Reform.pdf>



RESOURCES (PAGE 2 OF 2)

Community Cages: Profiting from Corrections and Alternatives to Incarceration (resource on the growing industry around “alternative” services). See: <https://afscarizona.files.wordpress.com/2016/08/communitycages.pdf>

Profiting from Probation: Americas “Offender Funded” Probation Industry (in depth look at private probation industry focused in the South). See: <https://www.hrw.org/report/2014/02/05/profitting-probation/americas-offender-funded-probation-industry>

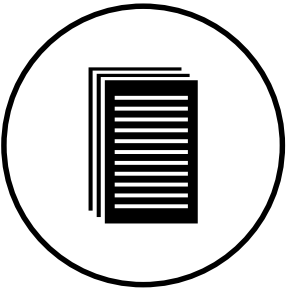
Machine Bias Risk Assessment (For more information about possible discriminatory impacts of “risk assessment”). See <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>

Glossary of Terms and Phrases Relating to Bail and the Pretrial Release or Detention Decision [http://www.pretrial.org/download/pji-reports/Glossary%20of%20Terms%20\(July%202015\).pdf](http://www.pretrial.org/download/pji-reports/Glossary%20of%20Terms%20(July%202015).pdf)

Detaining the Poor, The Prison Policy Initiative: <https://www.prisonpolicy.org/reports/incomejails.html>

vCommunity Justice Network for Youth Popular Curriculum: <http://cjny.network/programs-and-service/curricula/>

The W. Haywood Burns Institute for Juvenile Justice Fairness and Equity resources about youth incarceration: <http://www.burnsinstitute.org/category/publications/>



FACTS AND FIGURES (PAGE 1 OF 2)

Objective

This section provides some facts and figures relating to bail and its costs and impacts.

The American criminal legal system holds more than 2.3 million people in 1,719 state prisons, 102 federal prisons, 942 juvenile correctional facilities, 3,283 local jails, and 79 Indian Country jails as well as in military prisons, immigration detention facilities, civil commitment centers, and prisons in the U.S. territories.

There are 646,000 people locked up in more than 3,000 local jails throughout the U.S. on any given day. Seventy percent of these people in local jails have not yet been convicted of a crime and are legally presumed innocent.

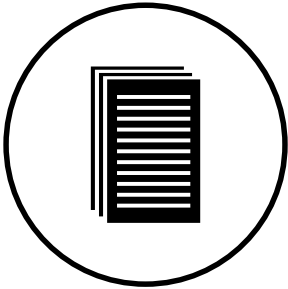
Fifty-three percent of all defendants accused of a felony remain in jail the entire time leading up to their trials due to lack of funds.

The U.S. Department of Justice estimated that local communities spent \$22.2 billion on jails in 2011. However, a study done by Vera Institute suggests that this underestimates the actual price of jails, because other government agencies often bear a large share of jail costs. For example, in addition to the \$1.1 billion spent by the City of New York Department of Correction in 2014, other city agencies spent an additional \$1.3 billion for jail employee benefits, healthcare, and administration, bringing the total cost to \$2.4 billion.

It costs \$60-70 on average per day to fill a single jail bed, and in some counties that cost jumps to more than \$200 per day while it only costs \$7 a day to supervise a person in the community.

Reducing pre-trial incarceration through changing bail laws could end up saving taxpayers \$190 million. Reducing the jail population would save \$250 million a year, but \$60 to \$70 million more would be needed for pretrial supervision.

Bail bond companies collect \$1.4 billion in nonrefundable fees from defendants and their families. The industry also actively works to block reforms that threaten its profits.



FACTS AND FIGURES (PAGE 2 OF 2)

Holding people in jail because they cannot pay bail has not always been the norm. Thirty years ago, when crime rates overall were higher, there were 51 admissions into jail for every 100 arrests. By 2012, that number had climbed to 95 admissions per 100 arrests.

The Vera Institute reports that spending as few as two days in jail can reduce economic viability, promote future involvement with the criminal legal system, degrade personal health and increase the chance that the accused is incarcerated if found guilty. Notably, defendants that were held 2–3 days were almost 40% more likely to be arrested for new crimes before trial than equivalent defendants held no more than 24 hours.

Folks held in pretrial detention are on average nationally 30% more likely to take a plea bargain and 13% more likely to be convicted when it goes to trial.

While Black and Latinx people make up 30 percent of the general population, they are 51 percent of the jail population.

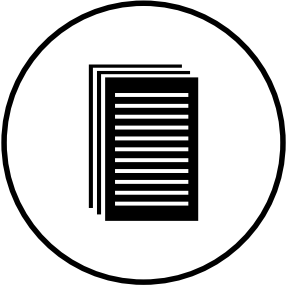
According to the Pretrial Justice Institute, Black people are 2.5 times more likely to be arrested than whites. They are also two times more likely to be detained than whites and Black men on average face bail that is 35 percent higher than white men.

Since 1970, the number of women in jail has increased fourteen fold making women the fastest growing incarcerated population. Two-thirds of women in local jails are women of color: 44 percent Black, 15 percent Latinx, and 5 percent other women of color. Half of all women incarcerated are in a city or county jail, generally held because they previously failed to appear or cannot afford to post bail. And more than half of these women are imprisoned in small county jails, such as the one where Sandra Bland died.

Every year, 636,000 people walk out of prison gates, but people go to jail over 11 million times each year.



APPENDIX

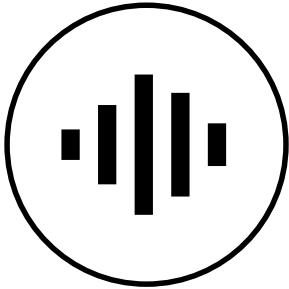


Objective

This section provides the answer key for the bail bingo activity in the curriculum (page 6)

BAIL BINGO ANSWER KEY

<p>2.3 MILLION PEOPLE CURRENTLY IN JAILS ACROSS THE US</p> <p>_____</p> <p>NAME: _____</p>	<p>70% OF PEOPLE LOCKED UP IN JAILS WHO HAVE NOT BEEN CONVICTED OF ANY CRIME</p> <p>_____</p> <p>NAME: _____</p>	<p>53% OF PEOPLE ACCUSED OF FELONIES WHO ARE IN JAIL DUE TO LACK OF FUNDS</p> <p>_____</p> <p>NAME: _____</p>	<p>\$2.2 BILLION IS A LOW ESTIMATE OF HOW MUCH LOCAL COMMUNITIES SPEND ON JAILS (2011)</p> <p>_____</p> <p>NAME: _____</p>	<p>\$60-70 IS THE AVERAGE COST THAT COUNTIES SPEND TO FILL A SINGLE JAIL BED EVERY DAY</p> <p>_____</p> <p>NAME: _____</p>
<p>\$7 IS THE AMOUNT OF MONEY IT COSTS TO SUPERVISE ONE PERSON ON COMMUNITY SUPERVISION FOR ONE DAY</p> <p>_____</p> <p>NAME: _____</p>	<p>\$190 MILLION IS THE AMOUNT THAT TAXPAYERS WOULD SAVE IF WE CHANGE BAIL LAWS AND DECREASE THE NUMBER OF PEOPLE WHO ARE INCARCERATED DURING THEIR TRIALS</p> <p>_____</p> <p>NAME: _____</p>	<p>\$1.4 BILLION IS THE AMOUNT OF MONEY THAT BAIL BONDS COMPANY COLLECT FROM DEFENDANTS IN NONREFUNDABLE FEES</p> <p>_____</p> <p>NAME: _____</p>	<p>30% INCREASE IN LIKELIHOOD THAT SOMEONE WILL TAKE A PLEA BARGAIN IF THEY ARE HELD IN PRETRIAL DETENTION</p> <p>_____</p> <p>NAME: _____</p>	<p>13% INCREASE IN LIKELIHOOD THAT YOU WILL BE FOUND GUILTY IF YOU ARE HELD IN PRETRIAL DETENTION</p> <p>_____</p> <p>NAME: _____</p>
<p>51% OF JAIL POPULATION IS BLACK</p> <p>_____</p> <p>NAME: _____</p>	<p>BLACK FOLKS ARE 250% MORE LIKELY TO BE ARRESTED AS COMPARED TO A WHITE PERSON</p> <p>_____</p> <p>NAME: _____</p>	<p>BLACK FOLKS ARE TWICE AS LIKELY TO BE DETAINED PRETRIAL THAN WHITE PEOPLE</p> <p>_____</p> <p>NAME: _____</p>	<p>BAIL IS ON AVERAGE 35% HIGHER FOR BLACK MEN THAN WHITE MEN</p> <p>_____</p> <p>NAME: _____</p>	<p>75% OF WOMEN IN LOCAL JAILS ARE WOMEN OF COLOR</p> <p>_____</p> <p>NAME: _____</p>



SAMPLE AGREE/DISAGREE QUESTIONS

Objective

This group activity will allow you to get a sense of how different people in the room feel about bail reform and its connection to criminal legal reform more generally.

Participants

8 - Unlimited

Format

Large group discussion. Facilitator designates one side of the room as “strongly agree” and the other side of the room as “strongly disagree” and then asks the different spectrum questions. After everyone gets a sense of where folks are standing facilitator can get explanations for why different folks are standing where they are standing. The principles document in the appendix provides some insight about how the political perspectives of the authors of this curriculum.

Time required

20-30 minutes, more or less depending on the amount of group discussion/debrief and detail desired

Materials

Facilitator script

Set-up and Technology

No technology is needed

- We must end incarceration in the U.S.
- In bail reform, the perfect should not be the enemy of the good
- It is more important to take down the bail bond industry than it is to get reform ‘perfect’, assuming that is even possible
- Preventative detention, or holding someone who has not been convicted, is necessary to eliminate cash bail
- In a policy fight, if need be I would accept a system with a limited use of preventative detention if it meant eliminating cash bail. In other words, could you support a system that openly detained preemptively innocent people based on a prediction of their future behavior?
- I would support a policy that kept more people out of jail/prison even if it meant more profits for companies
- Bail reform is an economic justice issue
- I see bail reform as a stepping stone to abolition
- To avoid reinforcing disparities, risk assessment instruments must include mechanisms to account for institutional and systemic racism
- Bail reform without a racial equity lens and mechanisms to identify and address racial disparities is more likely to exacerbate racial disparities in the criminal legal system
- Risk assessment instruments can be useful tools to end bail